

TWELFTH REPORT

OF THE

BOARD OF RAILWAY COMMIS-
SIONERS FOR CANADA

FOR THE

YEAR ENDING MARCH 31

1917

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1918

[No. 20c.—1918.]

THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

Sir H. L. DRAYTON, K.C., *Chief Commissioner.*

D'ARCY SCOTT, *Assistant Chief Commissioner.*

Hon. W. B. NANTTEL, K.C., LL.D., *Deputy Chief Commissioner.*

S. J. McLEAN, M.A., LL.B., Ph. D., *Commissioner.*

A. S. GOODEVE, *Commissioner.*

A. D. CARTWRIGHT,
Secretary.

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REPORT
OF THE
BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

To the Governor in Council:

Pursuant to the provisions of section 62 of the Railway Act, as amended by section 12 of chapter 32, 8-9 Edward VII, the Board of Railway Commissioners for Canada has the honour to submit its Twelfth Report, for the year ending March 31, 1917.

Since the submission of the Board's last report there have been no further amendments to the Railway Act, but there is before Parliament for its approval a Bill to consolidate and amend the Railway Act, which it is expected will be dealt with during the present session of Parliament. The need of the consolidation of the Act has been felt for some time, and the passage of the Bill consolidating and amending the Act is a matter of much importance to the country at large.

PUBLIC SITTINGS OF THE BOARD.

During the year covered by the period from April 1, 1916, to March 31, 1917, the Board held fifty-eight public sittings, at which 364 applications were heard. The number of public sittings held in the various provinces were as follows:—

In the province of Ontario..	37
“ “ Quebec..	4
“ “ Nova Scotia..	1
“ “ Manitoba..	3
“ “ Saskatchewan..	4
“ “ Alberta..	4
“ “ British Columbia..	3
“ “ New Brunswick..	2

The applications heard at the above sittings of the Board include a variety of matters falling within its jurisdiction under the Railway Act, from the complaint of a private individual to larger matters of general public interest affecting the community as a whole.

FORMAL AND INFORMAL MATTERS.

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitutes a considerable percentage of the total applications and complaints dealt with by the Board, that is to say out of a total of 3,320 applications and complaints received and dealt with by the Board, 11 per cent were set down for normal hearing, and 89 per cent were disposed of without the necessity of a formal hearing. These informal complaints that are dealt with and settled

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without the necessity of a hearing, in many instances entail a considerable amount of inquiry and consideration on the part of the Board's officers, and cover a wide range of subjects, such as, for example, a complaint of a more or less trivial matter to a matter of general public interest as affecting the community at large, involving the application of a general principle in regard to a railway rate.

RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of section 7, of 8-9 Edward VII, chapter 32, entitled an Act to amend the Railway Act, provision was made that the sum of \$200,000 each year, for five consecutive years from the 1st day of April, 1909, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the amending Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and March 31, 1917, 367 orders, providing protection at 408 crossings, as follows:—

By electric bells..	226
" gates..	91
" subways..	49
" overhead bridges..	20
" diversion of highways..	18
" closing of streets..	3
" removal of view obstructions..	2
	<hr/>

It will be seen by comparing the total number of crossings protected with the Eleventh Annual Report of the Board that the increase for the year ending March 31, 1917, in the number of crossings protected, numbers 28, made up as follows:—

By electric bells..	18
" gates..	8
" diversion of highways..	2
	<hr/>

In connection with the granting of aid to protective works under this fund, attention is again directed to the fact that the Board has found that the limitation imposed by the Act has prevented contributions being made in as large a degree as would seem to be proper in the public interest in connection with the larger schemes for elimination of grade crossings. Such works in the larger cities will run into amounts exceeding \$100,000, and occasionally as high as several million dollars, so that the limitation of \$5,000 (not to be applied to more than three crossings in any one municipality, or more than once to any one crossing), fixed by the Act, would be a mere fraction of the total amount involved.

GENERAL DECISIONS AND RULINGS OF THE BOARD.

Submitted herewith are some of the more important matters dealt with by the Board at its public sittings for the year ending March 31, 1917.

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GENERAL ORDERS ISSUED BY THE BOARD.

The following is a brief statement of some of the matters dealt with under General Orders of the Board:—

The suspension of certain tariffs showing charges for salt and ice in refrigerator cars.

Provision in regard to the tariffs of the railway companies for the use of heated refrigerator cars and subdivision of territory west of Westfort and certain maximum tolls for boat in addition to the freight rates from or to the territory west of and including Montreal and Lachute be substituted for certain tariffs suspended and that the differences over the maximum tolls do not exceed from or to the territory south and east of Montreal and Lachute the differences expressed in the suspended tariffs.

Provision for the amendment of the Canadian Car Service Rules Nos. 1, 2, 6 and 15.

Provision for certain charges for demurrage and track storage to apply upon grain and lumber either in transit at Cartier, Sarnia, Capreol and North Bay, Ont., for a period from the 1st January, 1917, to April 30, 1917.

Provision that all railway companies subject to the Board's jurisdiction supply cars for the movement of coal as and when required, not only to points on the originating line of railway, but also to points on other lines of railway, and that the railway companies without sufficient equipment make the necessary changes in flat or live-stock cars in order to provide for the existing emergency.

Provision that tariffs of freight rates from points in the United States to points in Canada include or be supplemented by a rule to the effect that the said rates unless specifically indicated as being impeditive be applied to certain points in Canada not enumerated in the said tariffs, and that the railway companies subject to the jurisdiction of the Board arrange accordingly.

Provision for the consolidation of the supplemental regulations regarding rules and regulations for the inspection and testing of locomotive boilers and their appurtenances and for an extension of time for the external inspection of locomotive boilers.

Approval of revised Supplement No. 10 to the Express Classification for Canada C.R.C. No. 3 relating to carload wagon service and pick-up and delivery service.

Provision that railway companies subject to the Board's jurisdiction be permitted to forward bituminous coal from the United States, billed for clearance of customs at the frontier, to its destination in Canada if the destination be a customs port or outport, and if not, then the customs port or outport nearest to but short of its destination, for customs clearance thereat, instead of at the frontier; the carriage from the frontier to the interior point of clearance to be in bond under customs manifest prepared by the railway company and signed by a customs officer.

Provision in regard to the allowance for grain doors supplied by shippers at and west of Port Arthur, Ont.

EASTERN RATES CASE.

What is commonly referred to as the Eastern Rates Case was an application of the Canadian Freight Association on behalf of the railway companies operating in Canada east of Port Arthur, Ont., and subject to the jurisdiction of the Board, for increased tolls on their freight traffic generally.

The application as filed shows that the following grounds were in the first instance relied upon in its support:—

(a) It is in the interest of the country at large, as well as of the companies and their shareholders, that further revenues should be obtained from the carriage of freight traffic.

(b) That the rate of return in net operating income upon the property investment of the companies has seriously declined.

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(c) That the principal cause of this decline is the steady and constant increases in operating expenses, due to matters of continuing character, such as wage increases, legislative requirements and the necessity of maintaining a higher standard of track, equipment and facilities generally.

(d) That the return upon money invested in railway facilities in the territory in respect of which increases in rates are asked is unreasonably low and inadequate.

(e) The effect of these factors is to seriously diminish the borrowing powers of the companies and compel the obtaining of necessary capital at much higher rates of interest, thereby increasing fixed charges which must be met out of the net earnings which have been decreased, and will in all likelihood be further decreased by the necessity of paying higher rates of interest on any moneys borrowed.

(f) That in consequence of the exceptional conditions at present existing, various money markets previously open to the companies are now closed, the result being to very materially limit the sources from which money may be obtained.

(g) That among other grounds the companies will urge as a reason for the proposed increases the fact that after a full hearing the Interstate Commerce Commission recently made an order increasing the rates in the Official Classification territory to the south, notwithstanding the fact that in the opinion of the applicants the conditions under which the companies were there operating were much more favourable than those which apply to the applicants.

The application was heard at sittings of the Board held at the following places and on the following dates:—

Ottawa, March 1, April 14, May 10, May 17, June 29 and 30, 1915.

Montreal, March 18, 1915.

Toronto, March 29 and 31, 1915.

Hamilton, April 23 and 24, 1915.

A large number of boards of trade and shipping associations appeared on the application.

On the 9th June, 1916, the Board issued its judgment, dealing fully with the financial position of the companies and the enhanced cost of conducting transportation, and permitting certain increases in the freight rates on various commodities treated separately and "in extenso" in the judgment.

NANAIMO BOARD OF TRADE V. CANADIAN PACIFIC RAILWAY COMPANY.

If a carrier does not choose to meet water competition the Board's whole right to interfere with a toll is confined to a case where the toll charged is unreasonable for the service rendered. Therefore, where a carrier changes the route of its car ferry it is not an unjust discrimination for it to charge a reasonable toll for the rail haul necessitated instead of the former terminal toll only.

Plain Company v. Canadian Pacific Railway Company, 9 Can. Ry. Cas., 223. Canadian Railway Companies v. Grand Trunk, Canadian Pacific and Canadian Northern Railway Companies, 12 Can. Ry. Cas., 350. Blind River Board of Trade v. Grand Trunk, Canadian Pacific Railway, Northern Navigation, and Dominion Transportation companies. 15 Can. Ry. Cas., 146, p. 156 followed.

The facts are fully set out in the judgments of Chief Commissioner Drayton and Commissioner McLean, March 16, 1916. 20 Can. Ry. Cas., p. 224.

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HUNTING-MERRITT V. CANADIAN PACIFIC AND BRITISH COLUMBIA ELECTRIC RAILWAY COMPANIES.

A slightly higher toll basis not justifiable from branch and lateral line points but from adjacent main line points.

Almonte Knitting Company v. Canadian Pacific and Michigan Central Railroad Companies (Almonte Knitting Company Case), 3 Can. Ry. Cas., 441. Mulkin & Sons v. Grand Trunk Railway Company (Tan Bark Rates Case), 8 Can. Ry. Cas., 183. Oiler and Bridgeport Lumber Company v. Dominion Atlantic Railway Company, p. 238, followed.

The obligation of a carrier under section 317 is to supply cars according to their respective powers. Where a carrier is called upon to supply a car which is not carried on its equipment register it is within its powers to supply a car on its equipment register which is next available to the length asked for. When foreign cars of larger size than are carried on their equipment register are available carrier may furnish such cars but the Board has no jurisdiction to compel carrier to supply a larger form of foreign equipment.

The facts are fully set out in the judgment of Mr. Commissioner McLean, concurred in by the Chief Commissioner, March 28, 1916. 28 Can. Ry. Cas., 181.

MUNICIPALITY OF LASALLE V. CANADIAN PACIFIC AND NEW YORK CENTRAL RAILWAY COMPANIES.

Ordinary local trains should stop at stations where there is sufficient volume of traffic to call for additional train service, as the operating conditions and control of operations are entirely different and distinct from through express trains. It is no answer to such a claim that the existing service is unremunerative.

The facts are fully set out in the judgment of Chief Commissioner Drayton, April 7, 1916, 20 Can. Ry. Cas., 191.

GRIFFIN V. TORONTO EASTERN RAILWAY COMPANY.

Damages have never been allowed by the Board to an adjoining landowner for the construction of an electric railway along a highway. The Board dismissed the claim of the applicant for damages under section 235, alleging that his lands had been injuriously affected by the construction of an electric railway on the highway, made two years after the work was finished.

The facts are fully set out in the judgment of Chief Commissioner Drayton, April 12, 1916. 18 Can. Ry. Cas., 211.

REMY V. LAKE ERIE AND NORTHERN RAILWAY COMPANY.

The Board has no jurisdiction to grant damages for land injuriously affected by the construction of a railway on a highway where the applicant has signed an agreement releasing the railway company from such claims. Such a release must stand until set aside by a court of competent jurisdiction.

The facts are fully set out in the judgment of Chief Commissioner Drayton, April 13, 1916. 20 Can. Ry. Cas., 207.

LONDON AND LAKE ERIE RAILWAY COMPANY V. MICHIGAN CENTRAL AND LONDON AND PORT STANLEY RAILWAY COMPANIES.

The Board is not concerned with the disputes of rival railway companies if such are with the view that one desires to do business with another to the exclusion of a third, its only interest being that of the public in the transportation of passengers and freight. Under the special circumstances of this case the respondent Michigan

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Central Railroad Company are obliged, under sections 217 and 334, to make reasonable traffic arrangements to enable the applicant to do business with it by issuing through joint tickets for the transportation of passengers.

The facts are fully set out in the judgment of Chief Commissioner Drayton, April 14, 1916. 20 Can. Ry. Cas., 195.

In re PASSENGER TOLLS.

The Railway Act does not require carriers to meet short line competition if they do not desire to do so.

Edmonton Cloverbar Sand Company v. Grand Trunk Pacific Railway Company. 17 Can. Ry. Cas., 95, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, April 19, 1916. 20 Can. Ry. Cas., 223.

TINKESS V. BELL TELEPHONE COMPANY.

Under 7 and 8 Edward VII, chapter 61, section 5, the Board has no jurisdiction to deal with the rearrangement of the respondent telephone service between different exchanges, the matter being one of internal management of its own business.

The facts are fully set out in the judgment of Mr. Commissioner McLean, April 19, 1916. 20 Can. Ry. Cas., 249.

MARITIME TELEGRAPH AND TELEPHONE CO. V. DOMINION ATLANTIC RAILWAY.

The practice of the Board has been to allow the right of way of railway companies to be crossed by the construction overhead or underground of lines of wires or water pipes or other pipes, without compensation. The Board's order merely creates an easement which can be cancelled or varied as occasion may require from time to time.

The facts are fully set out in the judgment of Mr. Commissioner McLean, May 3, 1916. 20 Can. Ry. Cas., 213.

CANADIAN NORTHERN ONTARIO RAILWAY COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

Public interest, economy of movement to shippers and convenience must be established before the Board will grant one carrier interchange traffic facilities with another. No carrier is entitled to such facilities as of right. The property and advantages of one carrier should not be interfered with for the benefit of another; but objections by a carrier on the ground that the other carrier will thereby obtain a great advantage at its expense will be overruled in the interest of the public.

The facts are fully set out in the judgment of Chief Commissioner Drayton, June 9, 1916. 20 Can. Ry. Cas., 200.

BELL TELEPHONE COMPANY V. FALKIRK TELEPHONE COMPANY.

The Board is not given any power under 7-8 Edward VII, chap. 61, to direct that local telephone service shall be given to an applicant who is not a subscriber of a company subject to its jurisdiction, and therefore has no jurisdiction over the switching connected therewith.

The facts are fully set out in the judgment of Mr. Commissioner McLean, June 20, 1916. 20 Can. Ry. Cas. 256.

COLEMAN V. TORONTO AND NIAGARA POWER COMPANY.

Under section 247 the Board has no jurisdiction to authorize a highway to be constructed under the wires of a power company.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, October 14, 1916. 20 Can. Ry. Cas. 258.

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MOODIE V. CANADIAN PACIFIC RAILWAY COMPANY.

The Board will recognize the public necessity for a highway crossing over a railway especially at or near a point where for a long period the railway company has allowed the public the use of such crossing, and it will order the railway company to make the crossing conform to its Standard Regulations Affecting Highway Crossings as amended May 4, 1910. The Board is not called upon to deal with the question of encroachment by a railway company upon the highway.

Village of Weston v. Canadian Pacific and Grand Trunk Railway Companies (Dennison Avenue Crossing Case No. 593) 7 Can. Ry. Cas. 79 followed.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, October 19, 1916. 20 Can. Ry. Cas. 217.

BOWLBY V. HALIFAX AND SOUTHWESTERN RAILWAY COMPANY.

It is in the carrier's discretion whether it will meet water competition and it is not the privilege of the shipper to demand less than normal tolls because of such competition which the carrier in its own interest does not choose to meet.

Plain v. Canadian Pacific Railway Company, 9 Can. Ry. Cas. 222, at p. 223. Blind River Board of Trade v. Grand Trunk, Canadian Pacific Railway, Northern Navigation and Dominion Transportation Companies, 15 Can. Ry. Cas. 146 followed. Where the carrier is subject to effective water competition in a varying degree and also to potential water competition it is in its discretion whether it shall meet it and the fact that it has met the competition at one point does not place it under any obligation to meet it at another point, nor is the toll as it is put in to meet such competition to one point a necessary measure of the toll to another.

Dominion Millers' Association v. Grand Trunk and Canadian Railway Companies, 12 Can. Ry. Cas. 363, at p. 368. In *re* Western tolls (Western Tolls Case) 17 Can. Ry. Cas. 123, at pp. 161, 162 followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, October 18, 1916. 20 Can. Ry. Cas. 231.

CITY OF BRANTFORD V. GRAND TRUNK RAILWAY COMPANY.

The senior and junior rule which is sometimes applied by the Board when determining who should pay the cost of the crossing of one railway over another should not be applied where a highway is crossed by a railway as the municipality being the owner of the street and not being the owner of the street railway should not be considered junior to the steam railway company and the costs of protecting the crossing should be apportioned equally between them.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, November 2, 1916. 20 Can. Ry. Cas. 166.

MUNICIPALITY OF SASMAN V. CANADIAN NORTHERN RAILWAY COMPANY.

In applying the senior and junior rule between railway companies the construction of the crossing and not approval of the location gives priority, but between municipalities and railway companies that principle cannot be applied. When it is sought to cross a railway by a highway where a road allowance previously existed, then no matter how long the railway may have been constructed it is considered to be junior and the railway company should install and maintain the necessary crossing.

Canadian Northern Railway Company v. Canadian Pacific Railway Company (Kaiser Crossing Case) 7 Can. Ry. Cas. 297. Canadian Northern Railway Company v. Canadian Pacific Railway Company. 11 Can. Ry. Cas. 432 followed.

Where there is no road allowance, and the municipality desires to use the land of the railway company upon which to construct a highway, the entire cost of the highway improvements will be borne by the applicant.

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Township of Gloucester v. Canada Atlantic Railway Company. 3 O.L.R. 85. 1 Can. Ry. Cas. 327 followed.

The facts are fully set out in the judgment of Chief Commissioner Drayton, December 1, 1916. 20 Can. Ry. Cas. 246.

APPEALS FROM DECISIONS OF THE BOARD.

For the year ending March 31, 1917, there were two appeals made to the Governor in Council from the decisions of the Board.

One of these appeals, that of the Canadian Pacific Railway Company from three orders of the Board, dated May 31, 1912, dismissing the application of the company to construct a spur from a point on the Toronto to London line of the company to connect with the Toronto to Owen Sound line of the company, and to cross certain highways and the line of the Grand Trunk Railway Company, was referred back to the Board for a reconsideration of the original application, which is still pending.

The other appeal, that of the Canadian Pacific Railway Company from an order of the Board, dated June 9, 1916, directing that independently of the General Inter-switching Order and pending the adjustment of the entire switching question before the Board, the toll of the Canadian Pacific Railway Company for switching live stock from its connection with the Canadian Northern Railway at Montreal to the Eastend Cattle Market there, should be \$5 per car, and that the company accept such traffic from the Canadian Northern Railway Company and resume the necessary switching service over its line to the Eastend Cattle Market at the toll provided. This appeal is still pending.

There were no appeals from the decisions of the Board to the Supreme Court of Canada during the above period.

A list of the appeals from the Board's decisions to the Supreme Court of Canada, since its inception, will be found under Appendix "E" of this report.

ORDERS, GENERAL ORDERS, AND CIRCULARS.

The total number of orders issued for the year ending March 31, 1917, was 1065. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction, for the year was twenty-two. The general orders, as distinguished from other orders issued by the Board, are those affecting all railway companies subject to the Board's jurisdiction. It will be noted that the number of general orders issued by the Board for the year ending March 31, 1917, was twenty-two, as compared with twelve for the previous year.

A list of the general orders and circulars for the year ending March 31, 1917, will be found compiled under Appendix "F" to this report.

JUDGMENTS OF THE BOARD.

The principal judgments of the Board delivered between the 1st of April, 1916, and the 31st of March, 1917, will be found under Appendix "A."

APPLICATIONS TO THE BOARD.

The total number of applications, including informal complaints made to the Board, for the year ending March 31, 1917, was 3,320. At page 16 will be found a table classifying the applications and complaints made to the Board under the various sections of the Railway Act.

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TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the Board the number of tariffs received and filed for the year ending March 31, 1917, were as follows:—

Freight tariffs including supplements.. . . .	50,480
Passenger tariffs including supplements.. . . .	12,349
Express tariffs including supplements.. . . .	2,232
Telephone tariffs including supplements.. . . .	2,270
Sleeping and parlour car tariffs including supplements.. . . .	233
Telegraph tariffs and supplements.. . . .	64

This makes a total of 67,628 for the year, as compared with a previous total for the year ending March 31, 1916, of 92,017. The total number of tariffs filed from February 1, 1904, to March 31, 1917, was 720,600.

The details in regard to the tariffs will be found under Appendix "B" to this report.

ENGINEERING DEPARTMENT OF THE BOARD.

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending March 31, 1917, number 238, and cover inspections for the opening of a railway for the carriage of traffic, pursuant to the requirements of section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways, and general inspections falling within the scope of the work of the Engineering Department of the Board.

OPERATING DEPARTMENT OF THE BOARD.

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under Appendix "C" will be found a full and detailed report of the Chief Operating Officer of the department.

ACCIDENTS AND ACCIDENT INVESTIGATIONS.

On reference to the report of the Board's Chief Operating Officer it will be seen from the comparative statement of killed and injured that the number of accidents among passengers carried and railway employees, as compared with the previous year 1915-16, shows a marked increase; but with regard to trespassers a decrease. The figures given show that the number of passengers killed and injured for the year ending March 31, 1916, was 157, and for the year ending March 31, 1917, 296, an increase of 138. The total number of employees killed and injured for the year 1915-16 was 908, and for the year 1916-17, 1,329, an increase of 421. In this connection it will be noted by reference to the table given below, that the total number of passengers carried on railways shows a marked increase, and the number of employees with railways also a marked increase, and these facts must be taken in connection with the increase in the total number of killed and injured.

Attention is again directed to the comparative statements of the Chief Operating Officer, setting out in detail the situation as regards highway-crossing accidents during the past five years, and it will be observed therefrom that there has been a total of 556

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accidents, covering 252 persons killed and 477 persons injured. There have been 151 accidents at protected crossings covering 66 persons killed and 122 persons injured, and at unprotected crossings there have been 415 accidents covering 186 killed and 355 injured.

In the year 1916-17 there were 36 automobile accidents at highway crossings, in which 20 persons were killed and 54 injured. Twenty-nine of these accidents occurred at unprotected highway crossings, when 14 persons were killed and 46 injured. These figures show a very considerable increase over the automobile accidents for the year 1915-16, in which only 6 persons were killed and 4 injured, and the Board is taking steps as to ascertaining what is the best method of protection at highway crossings where the same are used extensively by automobiles.

As has been previously stated there are a good many instances where the public disregard is evidenced in regard to protective appliances, by persons crawling under gates or going around them, or endeavouring to cross railway tracks in disregard of the alarm given by automatic signal bells.

The following is a table giving comparisons between the total number of passengers carried by the railway companies, the number of passengers killed and injured, and the same information as to employees, and as to trespassers, showing the number of trespassers killed and the relative percentage thereof to the total number of persons killed for the year. The figures giving the total number of passengers and employees carried are for the year ending June 30, 1916, the last figures available, and are taken from the railway statistics of the Dominion of Canada, published by the Department of Railways and Canals:—

Passengers—		
Number of passengers carried on railways.. . . .	49,027,671	
“ “ killed.. . . .	16	
“ “ injured.. . . .	280	
Employees—		
Number of employees with railways.. . . .	144,770	
“ “ killed.. . . .	155	
“ “ injured.. . . .	1,174	
Trespassers—		
Number of trespassers killed.. . . .	129	
43 per cent of trespassers killed to total of 300.		

It will be noted that of what may be termed preventable loss there were 129 killed under the heading of trespassers, and 79 injured. This is a reduction of 14 in the number killed, and 23 in the number injured, from the year 1915-16.

The following table shows the totals by provinces as regards trespassers killed and injured for the year ending March 31, 1917:—

Province—	Killed.	Injured.
Ontario.. . . .	70	54
Quebec.. . . .	31	10
Manitoba.. . . .	5	5
Saskatchewan.. . . .	10	2
Alberta.. . . .	2	3
British Columbia.. . . .	7	2
Nova Scotia.. . . .	3	2
New Brunswick.. . . .	1	1
Yukon.. . . .	....	—
	<hr/> 129	<hr/> 79

FIRE INSPECTION DEPARTMENT OF THE BOARD.

The railway fire inspection work has been carried on, as in former years, in co-operation with the various Dominion and provincial fire-protective organizations. During the past year seventy-three employees of such organizations were under appointment as local officers of the Board, in connection with the administration of the various regulations contained in General Order No 107.

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Letters prescribing special fire patrols in forest sections were issued to the following railway companies: Algoma Central and Hudson Bay, Esquimalt and Nanaimo, Canadian Northern, Canadian Pacific, Edmonton, Dunvegan, and British Columbia, Grand Trunk, Grand Trunk Pacific, Great Northern, Kettle Valley, Temiscouata, Victoria and Sidney, Western Canada Power. Supplementing the special patrol measures, instructions relative to the reporting and extinguishing of fires have been issued by the various railway companies to all their regular employees, with excellent results.

The fire-guard requirements for 1916 were identical with those prescribed for 1915, and were issued to the Canadian Pacific, Canadian Northern, Edmonton, Dunvegan, and British Columbia, Grand Trunk Pacific, and Great Northern railways. During the season a total of 11,398.60 miles of fire-guards were constructed in the Prairie Provinces, under the requirements prescribed by the chief fire inspector.

In forest sections, 388 fires were reported as being directly attributable to railway causes, out of a total of 558 fires originating within 300 feet of the track, along lines subject to the Board's jurisdiction. This is a decrease of 128 fires from the figures for 1915. The fires definitely attributable to railway causes thus represent 69 per cent of the total, 18 per cent being ascribed to known causes other than railways, and 13 per cent to unknown causes. Of the 388 fires chargeable to railway causes, 101 fires, or 25 per cent, are incipient fires which did no damage; 287 fires, or 74 per cent, are larger fires which burned over 11,285 acres valued at \$35,559. The total damage from all fires is estimated at \$39,471. Of this, the railways are charged with 90 per cent, known causes other than railway fires 8 per cent, and unknown fires 2 per cent. Thus, on all lines subject to the jurisdiction of the Board throughout Canada, the fires in forest sections definitely attributable to railway agencies did damage amounting to only \$35,559—a remarkably good showing, considering the unfavourable weather conditions, and one which reflects great credit upon the railways concerned. Various tables showing forest fire statistics will be found in the report of the Fire Inspection Department, Appendix "D."

ROUTINE WORK OF THE BOARD.

RECORD DEPARTMENT.

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

Below is given a table setting forth the number of applications, filings and letters received during the year ending March 31, 1917, together with the number of orders issued:—

Number of applications made.. . . .	3,320
“ filings received during the year.. . . .	3,131
“ out-going letters during the year.. . . .	30,270
“ orders issued during the year.. . . .	1,065

HONOUR ROLL.

The following members of the Board's staff have volunteered and are on active service in France with the Canadian Overseas Expeditionary Forces:—

E. E. Nelson, Private, 11th Battalion.
W. Downes, Corporal, 25th Battalion, C.F.A.
T. E. Dunsmore, Private, 38th Battalion.
E. W. Wadsworth, Sergeant, 207th Battalion.
R. Harvey, Private, 207th Battalion.
L. Bourgault, Private, Heavy Siege Artillery.

The vacancies in the Board's staff created by the enlistment of the members above referred to have not been filled.

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accidents, covering 252 persons killed and 477 persons injured. There have been 151 accidents at protected crossings covering 66 persons killed and 122 persons injured, and at unprotected crossings there have been 415 accidents covering 186 killed and 355 injured.

In the year 1916-17 there were 36 automobile accidents at highway crossings, in which 20 persons were killed and 54 injured. Twenty-nine of these accidents occurred at unprotected highway crossings, when 14 persons were killed and 46 injured. These figures show a very considerable increase over the automobile accidents for the year 1915-16, in which only 6 persons were killed and 4 injured, and the Board is taking steps as to ascertaining what is the best method of protection at highway crossings where the same are used extensively by automobiles.

As has been previously stated there are a good many instances where the public disregard is evidenced in regard to protective appliances, by persons crawling under gates or going around them, or endeavouring to cross railway tracks in disregard of the alarm given by automatic signal bells.

The following is a table giving comparisons between the total number of passengers carried by the railway companies, the number of passengers killed and injured, and the same information as to employees, and as to trespassers, showing the number of trespassers killed and the relative percentage thereof to the total number of persons killed for the year. The figures giving the total number of passengers and employees carried are for the year ending June 30, 1916, the last figures available, and are taken from the railway statistics of the Dominion of Canada, published by the Department of Railways and Canals:—

Passengers—		
Number of passengers carried on railways.. . . .	49,027,671	
“ “ killed.. . . .	16	
“ “ injured.. . . .	280	
Employees—		
Number of employees with railways.. . . .	144,770	
“ “ killed.. . . .	155	
“ “ injured.. . . .	1,174	
Trespassers—		
Number of trespassers killed.. . . .	129	
43 per cent of trespassers killed to total of 300.		

It will be noted that of what may be termed preventable loss there were 129 killed under the heading of trespassers, and 79 injured. This is a reduction of 14 in the number killed, and 23 in the number injured, from the year 1915-16.

The following table shows the totals by provinces as regards trespassers killed and injured for the year ending March 31, 1917:—

Province—	Killed.	Injured.
Ontario.. . . .	70	54
Quebec.. . . .	31	10
Manitoba.. . . .	5	5
Saskatchewan.. . . .	10	2
Alberta.. . . .	2	3
British Columbia.. . . .	7	2
Nova Scotia.. . . .	3	2
New Brunswick.. . . .	1	1
Yukon..	—
	<hr/> 129	<hr/> 79

FIRE INSPECTION DEPARTMENT OF THE BOARD.

The railway fire inspection work has been carried on, as in former years, in co-operation with the various Dominion and provincial fire-protective organizations. During the past year seventy-three employees of such organizations were under appointment as local officers of the Board, in connection with the administration of the various regulations contained in General Order No 107.

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Letters prescribing special fire patrols in forest sections were issued to the following railway companies: Algoma Central and Hudson Bay, Esquimalt and Nanaimo, Canadian Northern, Canadian Pacific, Edmonton, Dunvegan, and British Columbia, Grand Trunk, Grand Trunk Pacific, Great Northern, Kettle Valley, Temiscouata, Victoria and Sidney, Western Canada Power. Supplementing the special patrol measures, instructions relative to the reporting and extinguishing of fires have been issued by the various railway companies to all their regular employees, with excellent results.

The fire-guard requirements for 1916 were identical with those prescribed for 1915, and were issued to the Canadian Pacific, Canadian Northern, Edmonton, Dunvegan, and British Columbia, Grand Trunk Pacific, and Great Northern railways. During the season a total of 11,398.60 miles of fire-guards were constructed in the Prairie Provinces, under the requirements prescribed by the chief fire inspector.

In forest sections, 388 fires were reported as being directly attributable to railway causes, out of a total of 558 fires originating within 300 feet of the track, along lines subject to the Board's jurisdiction. This is a decrease of 128 fires from the figures for 1915. The fires definitely attributable to railway causes thus represent 69 per cent of the total, 18 per cent being ascribed to known causes other than railways, and 13 per cent to unknown causes. Of the 388 fires chargeable to railway causes, 101 fires, or 25 per cent, are incipient fires which did no damage; 287 fires, or 74 per cent, are larger fires which burned over 11,285 acres valued at \$35,559. The total damage from all fires is estimated at \$39,471. Of this, the railways are charged with 90 per cent, known causes other than railway fires 8 per cent, and unknown fires 2 per cent. Thus, on all lines subject to the jurisdiction of the Board throughout Canada, the fires in forest sections definitely attributable to railway agencies did damage amounting to only \$35,559—a remarkably good showing, considering the unfavourable weather conditions, and one which reflects great credit upon the railways concerned. Various tables showing forest fire statistics will be found in the report of the Fire Inspection Department, Appendix "D."

ROUTINE WORK OF THE BOARD.

RECORD DEPARTMENT.

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

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R. Harvey, Private, 207th Battalion.
L. Bourgault, Private, Heavy Siege Artillery.

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STATEMENT showing applications made to the Board under the various sections of the Railway Act, for the fiscal year ending March 31st, 1917.

Sections of Railway Act.	1916.												1917.			Totals.
	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.				
Rescinding of Orders, Sec. 29.....	3	2	3	1	1	.....	2	1	2	1	3	.....	19	
Rules and Regulations, Secs. 30, 269, 307, 13.....	.....	.....	.....	.....	.....	1	.....	.....	1	1	.....	.....	3
Extension of time, Sec. 50.....	.....	.....	.....	1	1	3	2	1	.....	.....	.....	.....	8
Location of line, Secs. 157, 168.....	.....	2	.....	2	.....	2	1	.....	1	.....	.....	.....	8
Correction Plans, Sec. 162.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Railway as constructed, Sec. 164.....	4	2	1	1	1	1	1	.....	2	1	2	2	2		
Deviation of line, Sec. 167.....	1	1	.....	1	2	3	1	.....	1	.....	.....	3	3
Mines and Minerals, Secs. 169, 171.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1	3
Expropriation of lands, Secs. 172, 191.....	1	.....	.....	2	.....	.....	3	1	1	1	.....	1	10
Appeals, Sec. 56.....	.....	1	.....	.....	.....	.....	.....	.....	2	.....	.....	1	4
Compensation for damage, Secs. 192, 214.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	1	3
Branch lines, Secs. 221, 226.....	12	23	27	24	20	28	19	21	22	13	14	14	237			
Railway Crossings and Junctions, Secs. 227, 229.....	3	4	8	6	1	4	5	4	.....	.....	1	1	37	
Interlocking appliances, Sec. 227.....	4	.....	1	1	1	.....	3	1	2	4	3	6	26	
Highway crossings, Secs. 235, 243.....	15	13	21	25	68	29	23	15	9	8	22	15	263			
Highway Diversions, Sec. 237.....	5	6	2	2	3	2	.....	2	.....	.....	5	4	31
Protection at Crossings, Sec. 243.....	4	3	7	10	6	2	15	5	7	6	5	2	72			
Telegraph and Telephone Lines, Sec. 244.....	.....	.....	.....	2	.....	.....	.....	.....	1	1	2	1	6
Telegraph and Telephone Connections, Sec. 245.....	.....	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1
Telegraph Wire Crossings, Sec. 246.....	.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	3
Telephone Wire Crossings, Sec. 246.....	.....	1	.....	.....	.....	.....	1	.....	.....	1	.....	.....	3
Power Wire Crossings, Sec. 246.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	79
Telephone Agreements, Sec. 248.....	3	8	9	6	7	4	9	7	4	9	7	6	3			
Water Pipes, Sec. 250.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	15
Sewers, Sec. 250.....	.....	1	3	2	1	.....	1	1	3	2	.....	.....	13
Culverts, Sec. 250.....	1	4	.....	2	1	.....	1	2	.....	.....	.....	.....	28
Farm Crossings, Secs. 252, 253.....	3	1	3	1	2	3	5	3	1	2	2	2	4			
Cattleguards, Secs. 254, 255.....	.....	1	.....	.....	1	.....	.....	1	.....	.....	.....	1	14
Fencing of Right of Way, Sec. 254.....	.....	1	3	2	.....	.....	.....	1	.....	.....	2	2	5
Construction over Nav. Waters, Sec. 233.....	1	.....	3	.....	.....	.....	.....	1	.....	.....	.....	.....	14
Bridges, Secs. 256, 257.....	6	8	9	6	3	1	2	2	3	14	10	4	73			
Tunnels, Secs. 256, 257.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1	1	5
Stations, Sec. 258.....	2	3	1	3	1	5	3	6	2	5	7	8	53			
Station Accommodation and Agents.....	11	6	8	4	5	12	10	3	6	8	7	13	93			
Condition of Roundhouses.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
Opening of Railway, Sec. 261.....	3	3	4	4	1	1	3	2	1	1	23			
Condition of Railway, Sec. 262.....	2	3	7	10	5	2	6	3	5	2	5	50			

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APPENDIX "A"

COMPLAINT OF THE DOMINION MILLERS' ASSOCIATION *re* INCREASE IN MINIMUM WEIGHTS ON GRAIN AND GRAIN PRODUCTS.

Complaint was made regarding the increase in minimum weights on grain and grain products. The existing minimum weights were 35,000 pounds for oats and buckwheat, 40,000 pounds for barley, shelled corn, Kaffir corn, pearl barley, whole peas, pot barley, rye and wheat. It was proposed in the case of the 60,000 to 70,000-pound capacity cars to increase the minimum of peas to 51,000 pounds, of shelled corn and Kaffir corn to 56,000, and in the other items already referred to, to 60,000.

The same provision was made in the case of 80,000-pound capacity cars, while, in the case of 100,000-pound capacity cars, increases running up to 80,000 pounds were provided.

The objections were, first, to the increase in the grain weights and, secondly, to the increase in the weight of flour and other grain products. It was not contended that the minimum weight of the proposed tariffs could not be loaded into the cars, but it was stated that the conditions in connection with labour, cost, trimming of cars, and handling of grain to and from warehouses in Western Ontario rendered it difficult to obtain the loading called for. In general, stress was laid upon the established commercial conditions. The objection advanced against the increase in weights on flour and other grain products was that commercial conditions were adjusted to the existing minimum weights, and that increased minimum weights would render the financing of the car movements more difficult, and in some cases impossible.

The Board held as follows:—

But the physical capacity is, as has been recognized in the way the weights on flour and other grain products have been worked out as explained by Mr. Tilston in his evidence, not the sole criterion. The railways, in the tariffs which they now seek to amend, have also given weight to difference in condition as one factor to be considered. In the amending tariffs, they also, by difference in minimum weights on grain in different sections, recognize differences in condition as a factor to be considered. The Board has recognized, in matters of classification and of rates, that established trade conditions or obligations, while not of necessity conclusive obstacles in the way of change, must be considered.

No general rule can be laid down. Each case must be looked into on its merits. It is a question of judgment what is a fair mean between the physical carrying power of the car, and the public interest as affected thereby, and the conditions under which business is carried on.

Having due regard to the contentions advanced, there has been a case made out for increase in weights but not to the full extent proposed by the tariffs.

The increases on grain products, other than flour, are justified. In the case of flour, an increase to 45,000 pounds is justified in the case of cars of 60,000 and 70,000 pounds capacity. The minimum weights as proposed in the tariffs are justified for the larger cars.

The tariffs carry provision for minimum weights in cars of 100,000 pounds capacity, the minimum weights of grain being as already stated. In the case of grain products, 60,000 pounds is called for in 100,000-pound car; malt, 54,000 pounds; flour, 70,000 pounds.

Objection was taken to these weights being carried in the tariff as it was pointed out that the 100,000-pound car was not being built by the Canadian Pacific and the Grand Trunk, and it was not established that these railways intended to build such a type of car. The only railway which was referred to in evidence as constructing

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them was the Canadian Government Railway system. It was apparently feared that the Canadian Pacific or the Grand Trunk by supplying such a car to a shipper would unduly penalize him by requiring a heavier loading.

The Board has already held in the *Complaint of the Kootenay Shingle Company, Limited, v. Great Northern Ry., File 26018, decided October 19, 1915*, that where a railway carries on its equipment register the type of car asked for, and has for its own convenience furnished a larger car, then the minimum of the car asked for shall apply. The same rule applies here. If a shipper is desirous of using the 60,000 or 70,000-pound car and asks for such car and the railway supplies him with the larger car, then the minimum of the smaller capacity car as asked for will apply, assuming, of course, that the actual loading does not exceed the maximum for the type of car ordered.

The following notation is carried on C.P.R. tariff C.R.C. No. E-2907, C.R.C. No. E-2715, C.R.C. No. E-3120, and C.R.C. No. E-2480; "Mixed carloads—on mixed carloads the highest rate and highest minimum carload weight will apply."

Mr. Watts, in a communication on file, desires this notation to be considered.

The notation which the tariffs, which it is not proposed to amend, carried was—"Mixed carloads will be charged at the minimum weight for the commodity in the mixed car taking the highest minimum weight." This notation, however, did not appear on the tariff relating to ex-lake traffic.

Rule 2 of the classification provides "When articles under one distinctive heading are of the same class in carloads, the carload rating and highest minimum weight for such class will apply."

The notation as carried in the proposed amended tariffs is thus in accordance with the classification. Since the classification governs, it is in reality not necessary to carry the notation on the tariffs. The rates have been checked and it appears that the various commodities are carried at the same rates between the same points.

The increased minimum weights found justifiable in the case of flour shall not become operative until the amended minimum weight in the case of the 60,000-pound and 70,000-pound car is covered by tariff; and the increased minimum weights on grain products, other than flour, are not to become operative until the amended minimum weights on flour become operative.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated March 30, 1917, concurred in by Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY FOR AN ORDER DIRECTING THE GRAND TRUNK PACIFIC RAILWAY COMPANY TO BEAR A PORTION OF THE COST OF LAND ACQUIRED FROM THE NATURAL RESOURCES DEPARTMENT OF THE C. P. R. CO., FOR THE CONSTRUCTION OF TRANSFER TRACK BETWEEN THE C. P. R. CO., AND THE G. T. P. R. CO., AT FROBISHER, SASK.

Judgment of Commissioner Goodeve, dated March 29, 1917.

This case was heard at Winnipeg, June 12, 1916, when judgment was reserved.

While the amount involved is a very nominal one, the principle to be decided is extremely important, particularly to the C. P. R. in view of the large amount of land held in the company's name, but not used, or contemplated as being used, for railway purposes. The argument of the C. P. R. Company, being that the land in question had never been regarded as land held for railway purposes, or shown within the limits of its right of way and, therefore, section 176 of the Act did not apply, but that it should be treated in all respects as if owned by private or third parties. The reply of the G. T. P. R. Company being that this should not be distinguished from the Orillia case.

It was shown at the hearing, and an examination of the Orillia case discloses, that the point involved is quite distinct from that in the Orillia case. In the latter the land in dispute was shown clearly to be used for railway purposes, and as part of the right of way of the Grand Trunk Railway.

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It was held that lands owned by a railway company which were not physically a part of the railway undertaking, or bought or obtained for railway purposes, and were not put to any railway use, should not come under section 176 of the Railway Act, but should be dealt with in the same manner as lands of private individuals and under clauses of the Act covering the expropriation of the same.

Upon these grounds the G. T. P. R. Company was ordered to pay its proportion of the cost of the land involved.

Re INCREASE IN LAKE AND RAIL RATES FROM STATIONS IN EASTERN CANADA TO FORT WILLIAM AND OTHER LAKE POINTS.

This matter came before the Board for consideration upon the protest of the Montreal Board of Trade against the tariffs filed by the railway companies increasing lake and rail rates on sugar to Fort William and other lake points. The railway companies were called upon by the Board to justify the proposed increases and the matter came before the Board for hearing at a sittings held in Ottawa on the 20th March, 1917, at which the parties immediately interested were represented.

It transpired at the hearing that a number of other commodity rates, as well as class rates, were in the same position as the sugar rates; that, therefore, whatever justification there might be for increasing sugar rates would apply to the other rates covered by the same tariffs.

Held that the Board has no jurisdiction over the rates charged or the division of lake and rail rates demanded by the different steamship companies operating boats on the St. Lawrence or the Great Lakes, other than the rates on the steamers operated by the C. P. R. Held also that the rail portion of the proposed rates would not appear to be excessive when compared with the local rail rates between the same points. Held also that the railway companies might in their discretion meet water competition if they saw fit to do so, and might also determine the extent to which they should meet it, and that the Board, therefore, could not interfere with the tariffs filed.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated March 29, 1917, concurred in by Mr. Commissioner McLean and Mr. Commissioner Goodeve.

Re MAXIMUM LENGTH OF TRAINS ON CANADIAN RAILWAYS.

It was pointed out that under existing financial conditions and inadequate supply of rolling stock, and the importance of having as great as possible a movement of freight, the Board was not justified in making any direction in the matter. It was further set out that with the termination of the war and the getting back to more normal conditions, the matter would be gone into fully on its merits.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated March 24, 1917, concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

Re COMPLAINT OF WESTERN CANADA FLOUR MILLS COMPANY, LTD., GODERICH, ONT., re STOP-OFF CHARGE OF TWO CENTS.

The applicant flour mills company receives its grain by lake from the west, and as there is no rail-haul in, there is no milling-in-transit rate out. The matter was before the Board in 1908. It was then pointed out that, under the existing tariff, on the mileage from Goderich to Montreal, the rate properly applicable would be 15 cents. The railway had applied a rate of 12 cents, and the Board directed that this should be continued, the matter having been put upon a commodity-rate basis.

The present complaint was based on the allegation that there was, in fact, included in the 12-cent rate, as charged, a 2-cent charge for the milling-in-transit service, which was not performed, and that, therefore, the rate should be reduced to 10 cents.

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The Board held that the commodity-rate basis of 12 cents as put in it did not consider that a specific portion of it, viz., 2 cents, was earmarked for such a stop-off arrangement as would apply under the milling-in-transit. It recognized that ordinarily a 15-cent rate to Montreal would apply, and that what had been given was a commodity-rate basis which it was held it was not justified in disturbing.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated March 21, 1917, concurred in by the Chief Commissioner.

Re LAKE AND RAIL RATES, TORONTO TO WESTERN POINTS, VIA CANADIAN NORTHERN RY.

Complaint having been made to the Board by Mr. John P. H. Stevenson, customs broker, of Toronto, that while the Canadian Northern Railway Company has lake-and-rail rates from Orono and Yarker, non-competitive points on the C.N.R. east of Toronto via lake boats from Toronto to Port Arthur thence C.N.R. to western points, the company's eastern lines' Lake-and-rail Tariff C.R.C. No. E. 771, does not show any rates from Toronto, the point where the lake movement begins.

Held that the long and short haul clause, subsection 3 of section 326, applies in this case, and that the through rates from Toronto cannot be greater than the through rates from Orono, Yarker, and other C.N.R. points east via Toronto.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated February 26, 1917, concurred in by Mr. Commissioner McLean.

Re COST OF MAINTENANCE OF BIRCH AVENUE SUBWAY, TORONTO, HAMILTON AND BUFFALO RY., HAMILTON, ONT.

By Order No. 15090, dated October 11, 1911, as amended by Order No. 19945, dated August 2, 1913, the city of Hamilton was authorized to construct a subway under the tracks of the Toronto, Hamilton and Buffalo Railway, to extend Birch avenue in a northerly direction.

The Board directed that an Order should go that the subway be maintained by the city.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated February 26, 1917, concurred in by Mr. Commissioner McLean.

Re COMPLAINT OF THE VANCOUVER BOARD OF TRADE AGAINST INCREASE IN FREIGHT RATES ON CANNED GOODS AND HARDWARE CONSIGNED TO POINTS ON THE PACIFIC COAST.

Suspension of the tariff was asked for by the Vancouver Board of Trade. In order to have suspension of a tariff, a prima facie case has to be established and the Board's regulations set out what is necessary in this connection. Protests were also received from other parties.

Upon consideration of the matter, the Board held as follows:—

It appears that the Interstate Commerce Commission has found, 40 I.C.C. 35, June 5, 1916, that water competition via the Panama Canal is less effective. It has said, *Ibid*, p. 38:—

“The result of all the evidence offered was to show that there is not at this time any effective competition between the two coasts, and that there is little likelihood of any material competition by water during the present calendar year, irrespective of the action the Commission may take with respect to these petitions”.

It was found as a fact, at p. 39:—

“As the situation now stands, however, the rail rates on all these schedule “C” commodities from eastern defined territories to Pacific Coast terminals are lower than the present conditions warrant, while at the same time higher rates are applied at intermediate points”.

Canned goods and hardware are included in schedule “C” referred to.

Following this decision, the rates from eastern defined territories to Pacific Coast terminals were increased.

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Following the decision of the Interstate Commerce Commission, 32 I.C.C., 611, January 29, 1915, reduced rates were put in on August 15, 1915, from Chicago by the American railways, the reduction on canned goods, for example, being 15 cents. The reduction was found, by the Interstate Commerce Commission, justified by water competition. Following this, the Canadian rates were, on December 18, 1915, reduced by 10 cents.

Effective December 30, 1916, rates from Chicago were, in general, increased 10 cents on carloads. This, as has been indicated, following a finding that water competition to the coast was less effective.

The Canadian rates to which exception is taken are 10 cents increases over those put in December 18, 1915. The situation turns on the question of water competition, which the Canadian railways met in a measure when the competition was more effective, and which they now meet in less degree when the same competition is less effective. This is not contrary to the Railway Act.

A *prima facie* case for suspension has not been made out.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated February 9, 1917, concurred in by Chief Commissioner Drayton.

Re APPLICATION FOR AN ORDER GRANTING THE GRAND TRUNK RAILWAY COMPANY AUTHORITY TO MAKE A REFUND OF FREIGHT CHARGES FROM MIDLAND, ONT., TO CLEVELAND, OHIO.

What is involved is a question of discrimination in rates on lumber from Penetang to Cleveland, as compared with rates from Midland to Cleveland.

It was alleged by the railway that this was justified on the basis of water competition. An analysis of the tariffs was made, pointing out to what extent rates in the territory in question to points in the United States had been grouped. The following statement was made by the Board:—

Examples of the rate practice as to inland points have been given. Kalamazoo, Michigan, Johnstown, Penn., may also be mentioned as inland points to which the rates from Meaford and Penetang are the same. An examination of the rate structure shows that this is the case as to normal rates to all United States territory covered by the tariff.

The Grand Trunk by its tariff C.R.C. No. 56, effective November 15, 1899, carried a rate of 10 cents from the Penetang-Meaford group to Black Rock, while from the Huntsville group the rate was 1 cent over this. Huntsville is 93 miles from Midland and 44 miles longer haul to Black Rock. This difference has been carried through various tariffs on file, and it appears that the companies have established a rate from Huntsville to Cleveland by adding to the Penetang rate the difference existing in the rates to Black Rock.

The rates from Huntsville, North Bay, and Whitney have been built up regardless of whether the shipping point was subject to water competition or not. Huntsville, 84 miles from Allandale, has been put 1 cent over Penetang, 39 miles from Allandale. North Bay and Whitney are 4.7 cents over Penetang; that is to say, that their added distance of 125 miles, as compared with the Midland added distance of 0.3 miles, represents a rate difference of 1.6 cent.

The ton-mile and car-mile earnings on the rates as charged for the points referred to may be compared:—

			Car-mile earnings	
			Ton-mile	on 34,000 lb.
To Cleveland.	Miles.	Rate.	rate.	minimum.
From Penetang	378.1	16.3	.862c.	14.66c.
" Midland.. .. .	378.4	19.4	1.025c.	17.43c.
" Huntsville.. .. .	422.5	17.3	.819c.	13.92c.
" Whitney	504.9	21.0	.832c.	14.14c.
" North Bay.. .. .	503.5	21.0	.834c.	14.18c.

With due regard to the grouping arrangements that have been utilized in connection with the movement of this business and the respective earnings as indicated,

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the rate adjustment from Midland to Cleveland is unjustly discriminatory to the extent that it exceeds the rate of 16.3 cents as charged from Penetang, and should be adjusted to the same basis.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated February 5, 1917, concurred in by Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

APPLICATION OF THE SHINGLE AGENCY OF BRITISH COLUMBIA FOR STOP-OVER PRIVILEGE.

Judgment of Commissioner Goodeve, dated January 26, 1917, concurred in by Chief Commissioner Drayton and Commissioner McLean.

This matter was first brought to the attention of the Board by letter dated June 23, 1916, addressed to Sir Henry Drayton as Chairman of the Railway Commission, by Mr. Hyde, Secretary of the above agency, in which he asked for "the privilege of a Milling-and-sorting-in-transit rate." It was set down for hearing on Monday, the 26th day of June, at Vancouver, when Mr. Hyde appeared in person for the applicants.

It developed at the hearing that the application was not really for a shingle milling-and-sorting-in-transit rate but an application to include the consolidation of shingles and lumber to be supplied from different mills in a mixed carload and shipped under a single carload commodity rate.

The applicant based his claim for consideration on the ground that the Great Northern Railway Company, operating in this district had a tariff allowing this privilege, but it was pointed out by the Chairman of the Board that unless discrimination was proven this would not give the Board jurisdiction to make the Order asked for.

No discrimination having been proven, the application was refused.

Re COMPLAINT OF MUNITIONS AND MACHINERY, LIMITED, SOREL, QUE., REGARDING DEMAND OF THE QUEBEC, MONTREAL AND SOUTHERN RY. CO. FOR AN ADDITIONAL 2½ CENTS PER 100 POUNDS ON SHELL SHIPMENTS SOREL TO MONTREAL, ACCOUNT OF THE IMPERIAL MUNITIONS BOARD.

A rate of 11½ cents from Sorel to Montreal was quoted. It was contended by the applicant that the rate in question was to meet the rate of a water carrier. The railway contended that the rate was simply for local delivery in Montreal, and that the addition of 2½ cents per 100 pounds was properly chargeable to cover terminals and export business at Montreal.

The Board held:—

As part of the tariff record, it is stated that, effective October 21, 1916, by Supplement 1 to Tariff C.R.C. 580, the Quebec, Montreal and Southern Railway Company agreed with the Grand Trunk Railway Company to absorb the terminal charge on shipments of shell forgings from October 21, 1916, to November 25, 1916; but that it was not intended that this should be applied to shipments made previous to October 21.

Reference was made by the railways to the value of the forging. This does not appear to be material, as it does not appear that this was a matter discussed in the preliminary negotiations. It is stated by the railway that in putting in the tariff of October 21, the representative of Munitions and Machinery, Limited, agreed that if the absorption was made effective from October 21 to November 25 he would not take it as establishing a precedent, either on account of shipments made previous to October 21 or on shipments that might be made during 1917.

In the reply of Munitions and Machinery, Limited, it is stated that when they were solicited for the traffic in the first instance no question was raised as to whether the traffic was for local or export movement; and it was stated, which is, of course patent, that everybody knew where the shells were going. It is further stated that the railway's statement that the tariff supplement, which has just been referred to, was one which the applicants agreed would not be used as a precedent sets out a state-

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ment of fact which was in no way discussed between the applicant and the representative of the railway.

The history leading up to the issuance of the tariff has been set out. The question is, what does the tariff say? A tariff is not to be interpreted by understandings. It should bear on its face exactly what it covers and to what traffic it is applicable. Aside from Tariff C.R.C. No. 580, there was no other tariff in force from Sorel to Montreal covering this traffic, except a class tariff. The tariff issued to meet—to quote its own statement—water competition, did not limit the movement. It was open under this tariff either to have a movement local to Montreal or to shipside at Montreal for export; either movement was, under tariff, covered by the 11½-cent rate; and the rate so provided for is the sole legal rate which the railway has authority, under the Railway Act, to collect.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated January 25, 1917, concurred in by Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

Re APPLICATION OF THE GRAND TRUNK PACIFIC RAILWAY CO. REGARDING APPORTIONMENT OF COST OF TRANSFER TRACK, CALGARY, ALTA.

On an analysis of the traffic concerned and the consideration of the general practice of the Board whereunder the junior road diverting traffic from an older line is required to bear the cost of the establishment of an interchange, the cost of maintenance for the interchange in question was placed upon the Grand Trunk Pacific.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated the 23rd January, 1917, concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

Re APPLICATION OF THE GENERAL TRAFFIC SERVICE CO., OF CHICAGO, ILL., ON BEHALF OF THE WOODS MOBILETTE CO. REGARDING COMBINATION OF RATES ON AUTOMOBILES AND PARTS MOVING FROM WINNIPEG, MAN., TO HARVEY, ILL.

The question here involved in the matter of possible existing rate combinations being used to defeat legally-filed and published through rates.

It was held that the Board has ruled, in dealing with a situation arising in Canada, that it is a fundamental proposition, under the policy outlined by the Railway Act, that when a rate, whether joint, or whether limited to points situated on one line of railway alone, has gone into force in conformity with the provisions of the Railway Act, it is the only legal rate in respect of the traffic mentioned and from the points mentioned. *In the matter of Through Rates vs. Combination of Locals, File 9754.* Reference may also be made to *re Through rates on lumber exceeding the sum of the locals, File 24647;* and *Complaint of F. L. Getzler re through rates on pig-iron, Welland to Montreal, exceeding the combination of class and commodity rates. File 26848.*

The route from Winnipeg to St. Paul is continuous. A joint tariff of 85 cents has been filed; such filing is in compliance with the Statute. It is in effect contended that the route can be made discontinuous and a combination of rates substituted for the through rate filed. This is not permitted by the statute, and the Board, therefore, has no authority to sanction the adjustment asked for.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated January 22, 1917, concurred in by Assistant Chief Commissioner Scott and Deputy Chief Commissioner Nantel.

HARRIS AND ATWOOD *vs.* CANADIAN NORTHERN RAILWAY, FILE NO. 27403.

The applicants applied for a farm crossing over the tracks of the railway company. No objection was made to the crossing by the company provided that the cost of construction and maintenance be placed upon the applicants. Submission of the railway company was that the conveyance of the property to it contained no reservation for a crossing and that, therefore, its statutory obligation to construct the crossing at its own expense was discharged.

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Held Chief Commissioner (January 20, 1917) that while the owner by agreement can extinguish the right of crossing, the statutory right is not discharged by implication, and that notwithstanding the fact that conveyances of railway right of way for valuable consideration cover the value to the right of a farm crossing as well as to the value of the land required, such conveyances do not extinguish the owner's right to his crossing under section 252 of the Act. There must be an express extinguishment either by the conveyance of the right of way itself or by a sufficient agreement otherwise evidenced.

Order for crossing at the company's expense granted. Assistant Chief Commissioner Scott, Deputy Chief Commissioner Nantel, Commissioners McLean and Goodeve concurred.

Re COMPLAINTS OF MESSRS. HAY & CO., LTD., WOODSTOCK, ONT., AND J. H. STILL MANUFACTURING CO., LTD., ST. THOMAS, ONT., REGARDING INCREASED MINIMUM WEIGHTS OF FLAT CARS ON LOGS FOR MANUFACTURING PURPOSES.

The increase in the minimum weights of logs on 36-foot flat cars for manufacturing purposes from 35,000 pounds to 50,000 pounds was objected to. It was claimed that it was practically impossible to get the loading asked for, it being stated that on account of the logs being cut in various lengths, from 10 to 16 feet, it was not practicable to load three lengths on a 36-foot-car, and that to get the weight asked for it would be necessary to load three lengths on a 36-foot car.

A table was submitted bearing on the impossibility of standardizing the lengths of the logs so as to get the minimum loading, and it was also submitted that, under the contracts with the farmers who cut the logs and brought them in, it was impossible to get them so arranged in piles at the loading point as to permit, without the added labour cost, a loading on the cars which would permit the minimum asked for.

Exhibits were filled by the railways showing loadings in excess of the minimum requirements. It was contended by the applicants that loadings from timber limits were not characteristic, because mechanical devices were available there for loading which were not available in connection with the business of the applicants.

The Board ruled as follows:—

The difficulties of loading due to the way the business is necessarily carried on have been set out at length. Mr. Hay very frankly stated that it would not pay to cut the logs into shorter lengths because of the extra wastage. He and those connected with him are naturally desirous of getting the maximum of logs from the tree. It is stated it is not feasible to so separate the logs according to size as to facilitate uniform loading. A photograph submitted as an exhibit by him shows how uneven, of occasion, the loading is.

The Board has dealt in particular cases with the question, if any, of the bearing of the particular costs of the manufactures upon freight rates. It has ruled that it is not part of the obligation of the railways, under the Railway Act, to equalize costs of production through lower rates so that all may compete on an even keel in the same market. *Canadian Portland Cement Co. v. G. T. and B. of Q. Ry. Cos.*, 9 *Can. Ry. Cas.*, 211; *Canadian Oil Cos. v. G. T., C. P., and C. N. Ry. Cos.*, 12 *Can. Ry. Cas.*, 357; *Blatugas Co. v. Canadian Freight Association*, 12 *Can. Ry. Cas.*, 305; *Dominion Sugar Co. v. Canadian Freight Association*, 14 *Can. Ry. Cas.*, 195.

Reference may also be made to *National Refining Co. v. C.C.C. & St. L.*, 20 *I.C.C.R.*, 649.

In complaint of the Western Retail Lumbermen's Association of Winnipeg regarding the increase in the minimum on brick in Western Canada, File 9475-19, it was pointed out that a railway company is not justified in imposing rates on the same commodity differing according to the use to which the commodity is put, and that the same inhibition attached to a differentiation of minimum weights based on the use to which the commodity is put. It was further pointed out that a railway com-

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pany is not under obligation to so adjust its minimum weights as to offset any inherent disadvantages of the business.

It was stated that the question of minimum weights had to be looked at from the standpoint of general convenience, advantage and interest. The generality of use of the commodity involved and how the arrangement met this use had to be considered, and it was pointed out that as to the great bulk of the brick business no objection had been taken to the minimum.

In the generality of the cases the 50,000 pound minimum is not objected to. The evidence submitted points to the conclusion that in a great majority of cases the minimum can be and is loaded. The Board would not be justified in directing a reduction in general to be made because in a particular instance it is slightly in excess of the average loading capacity. The reason why it is so in excess appears to be bound up with the conditions under which the business is carried on. The handicap complained of is part of the cost of production. It is not a handicap which is created by the railway, and the railway cannot with propriety be asked to equalize this handicap.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated January 20, 1917, concurred in by Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

Re FREIGHT SHED FOR NEW TORONTO AND MIMICO, G.T.R.

By Order No. 25258, dated August 11, 1916, the Board approved of the location of a new freight shed and passenger station for the village of Mimico, on the G.T.R. and C.P.R. joint section between Toronto and Hamilton.

Before these facilities were constructed the corporation of the village of New Toronto applied to the Board to have the location of the freight shed at Mimico, referred to, changed by locating the shed about a mile further west.

The Board directed that an Order should go amending Order No. 25258 by changing the location of the freight facilities to New Toronto as applied for.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated January 19, 1917, concurred in by Chief Commissioner Drayton and Mr. Commissioner McLean.

TRAFFIC CONGESTION—FILE NO. 27563.

The matter of traffic congestion, particularly with reference to coal, coke, and grain shipments, was brought about not only through shortage of railway equipment, but by other causes. The Chief Commissioner, after reviewing the situation and referring at length to the causes contributing to this congestion, in his reasons for judgment, dated January 8, 1917, says:—

“The imperative duty of the Board is to see, in the first instance, that this country fails in no regard in supplying materials necessary in the prosecution of the war. This, of course, means that the transportation required by the Imperial Munitions Board from the different factories producing munitions or materials required by the Empire and its Allies, must be properly and efficiently supplied. It also means that the full movement of grain and flour required both by Great Britain and by the Allied nations be fully and completely maintained.

“In like manner, it is the duty of the Board to see that the freight movement of the necessities of life for our own people and raw materials required for our export trade, on which depends so much in the matter of exchange and the financial standing of the country, is not allowed to suffer.”

Everything possible was done by the Board to expedite the movement of these commodities with the equipment and competent men available from the freight service. To relieve the situation it was decided that the passenger service must be cur-

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tailed to secure more engines and men, and to this end the railway companies were required to cut off all unnecessary passenger movements. Specific directions were made with respect to the service between Hamilton and Toronto, in which territory there was a daily operation of forty trains. The direction was that sixteen of these trains be cancelled; the railways to determine the ones which could be cancelled with the least possible inconvenience to the public. The restrictions in passenger service to be taken off upon the opening of navigation.

Assistant Chief Commissioner Scott and Commissioners McLean and Goodeve concurring.

Re BETTER TRAIN SERVICE ON MASSENA SPRINGS SUBDIVISION, G.T.R.

What was involved here was the train service between Massena Springs and Montréal. Connections at a considerable number of points complicated the situation. It was alleged that the train left Massena Springs at too early an hour in the morning, and petitions were filed asking that it leave about two hours later.

There was also an application for permission to ride on the milk train between Fort Covington and Montreal. An analysis of the individuals and places affected is shown by the names on the petition which was made.

The Board recognized that the early hour at which the train left Massena Springs was a hardship, but held that there was not sufficient traffic moving to justify additional train service to take care of the Massena Springs-Montreal business by itself, and that therefore, it had to be combined with the other local business moving to Montreal.

It was also pointed out that the change asked for would disrupt the existing schedule and cause increased inconvenience to the parties who were not heard in the present application.

It was pointed out that as to the passenger service on the milk train as asked for, the milk train had been put on in the first place because it was complained that this traffic delayed the passenger train coming into Montreal, and under these circumstances it did not appear reasonable to put a new burden of passenger business on the milk train, when the intention in the installation of the milk train had been as above pointed out.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated January 8, 1917, concurred in by Assistant Chief Commissioner Scott and Deputy Chief Commissioner Nantel.

APPLICATION OF THE SHINGLE AGENCY OF BRITISH COLUMBIA *re* COMPLEMENT OF NAILS WITH SHINGLE SHIPMENTS.

Judgment of Mr. Commissioner Goodeve, dated January 4, 1917, concurred in by Chief Commissioner Drayton.

The applicants place their claim for special treatment chiefly upon the ground of the economic saving that would result to one of the chief natural resources in the province of British Columbia.

It was shown in the judgment that the granting of the application would involve a discrimination in rates as against other shippers and manufacturers of shingle nails; and also a discrimination against small independent shingle manufacturers in outlying districts who would be unable to supply nails with their shingle shipments.

On these grounds the application was refused.

CANADIAN CAR SERVICE RULES—DEMURRAGE CHARGES—FILE NO. 1700-140.

The railway companies applied for an Order amending the Canadian Car Service rules so as to provide that the demurrage charge for each twenty-four hours be increased from \$1 to \$4, and that the additional free time beyond forty-eight hours authorized under the rules be cancelled.

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At the request of the Board, the shippers and shippers' associations represented at the hearing met the railways in an effort to arrive at an agreement. As a result of the conference, the application was abandoned and it was agreed that the free time of forty-eight hours should be allowed after cars had been spotted for unloading.

The Board directed that the necessary changes be made in the Canadian Car Service rules to give effect to this arrangement.

The settlement arrived at was later taken up with the Boards of Trade in the West and the western section of the Canadian Manufacturers' Association. Some of these concurred, while others suggested that the demurrage rates should be even higher, in order to assist in keeping the urgently required rolling stock constantly in service. The objections to the arrangement were made by certain coal and lumber dealers. Held that notwithstanding these objections, the settlement arrived at must, in the public interest, be adopted.

The Chief Commissioner in his reasons for judgment, dated December 23, 1916, referring to this branch of the subject, said:—

“It must be borne in mind that all of the coal delivered in Toronto—which is the only place to protest—originates in American mines, and is hauled to a very large extent in American cars.

“A much larger proportion of the coal brought into Toronto is unloaded mechanically than is unloaded by hand, but in any event, in the public interest, the settlement must be given effect to and the movement of coal facilitated, even if local Toronto dealers are penalized an extra 2 cents a ton for the third day coal cars may be held.”

With regard to the lumber situation. The issue was whether the lumber merchants should or should not have an extra day which, if denied them, merely meant a charge of \$1 a day per car, amounting to a small sum per thousand feet.

Chief Commissioner:—

“The settlement after all is only temporary. It was agreed to by the shippers, not because the railways were entitled to any increased demurrage, not because the railways were not themselves in large part responsible for delays in transportation owing to lack of motive power and cars, but because it was felt that the increased demurrage fee was the only practical way in which a real public emergency resulting from shortage of cars could be in some degree relieved.”

The reciprocal per diem allowance was increased from 45 cents to 75 cents per day per car and an additional penalty of \$5 per car if it moves in a direction away from the lines of its owner when available for return movements. This \$5 penalty was to apply if the company having possession of the car notifies the owning company of the diverted movement; if the owning company is not notified the penalty to be \$10 per car.

The increased tolls allowed under the judgment to come into effect on January 1, 1917.

Judgment concurred in by Assistant Chief Commissioner Scott and Commissioner McLean.

Re CLASSIFICATION OF “HEALTH SALT.”

Application was made to the Board by the Harry Horne Co., manufacturers of an article known as “Health Salt,” to have it given the third-class rating in the Canadian Freight Classification.

The article is marketed by various firms besides the applicants, namely “Canadian Health Salt” made by E. G. West & Co., Toronto, “British Health Salt” made at Hamilton, and “Kkovah Health Salt” imported and manufactured in Manchester, England.

Held that it would not be possible to compile a practicable classification that enumerated specifically all the items of commerce, or even of the drug trade with its

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long list of staple and proprietary articles; that the grouping of the articles must of necessity be more or less broad. Held also that it was elementary in order that the cheaper goods may be carried any distance that the classification must be arranged according to the ability of the various articles to bear their share of the cost of transportation, so that luxuries and things which move in comparatively small quantities are rated higher than the indispensables. That furthermore, while war conditions may affect rates *per se* they ought to have no bearing on classification. The application was therefore refused.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated December 16, 1916, concurred in by Mr. Commissioner McLean.

COMPLAINT OF J. A. KAMMERER, *re* CANADIAN PACIFIC RAILWAY CO.

This was a complaint of J. A. Kammerer against the Canadian Pacific Railway Company for refusal to place a car for him on a private siding.

It appeared that the Canadian Pacific Railway Company had, on January 2, 1914, made an agreement with the Credit Valley Stone Co., Ltd., granting that company the right to use the siding connecting with the said railway upon certain terms.

Clause 12 of the agreement provided for its termination.

The complainant bought a stone crusher and had it hauled to the premises of the Credit Valley Stone Co. Subsequently the Credit Valley Stone Co. failed and the siding agreement with the railway company was cancelled.

Held that the Board had no jurisdiction to grant the subsequent application, and that a railway company is only bound to supply facilities for the receiving and loading of traffic at a stopping place and not anywhere on its right of way between stations, and that the application must be dismissed.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated December 16, 1916, concurred in by Commissioner McLean.

Re CANADIAN NORTHERN TOWN PROPERTIES COMPANY, LTD., AND NATIONAL TRUST COMPANY, LTD., AND MCKENZIE MANN & CO., LTD., FOR LEAVE TO CROSS THE CANADIAN NORTHERN RAILWAY.

These applications were made under section 237 of the Railway Act. Notices of the applications were served upon the municipalities interested and the Department of Public Works at Edmonton for the crossing in Alberta, and the Highway Commissioners for the province of Saskatchewan for the crossing in that province. The provincial authorities offered no objection to the crossings, provided that the cost of construction and maintenance be borne and paid by the applicants.

The applicants pointed out that their interests were not of a permanent character, but that the highway was; that as registered taxpayers in the municipality they paid a large proportion of any cost under the ordinary mode of assessment; and that the cost, therefore, should be distributed among the property owners. In other words, that it should be placed upon the municipality.

Held per Chief Commissioner, for the reasons set forth in his memorandum of December 6, 1916, that as townsite companies, after the property had been sold and paid for, would, in all probability, cease to exist and there would be no practical way in which the responsibility of maintaining the crossings could be enforced; and that as the whole question is one for the local authorities rather than the Board, the Board should consider whether as a matter of administration and practice any more highway crossings should be authorized by the Board, except where required by the appropriate department of the local Government or the municipality.

The memorandum, under direction, was submitted to the provincial authorities with the request that they submit their views on the question, giving the Board a reference to the sections in the different local Acts relating to the constitution of highways.

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COAL TRANSPORTATION TRAFFIC PRACTICES.

The Board's attention was forcibly brought to the acute coal situation in the West, caused not only by the scarcity of labour and strikes at the mines, but directly by car shortage and the refusal of railway companies to provide coal miners with cars required for coal to be delivered at points on the lines of other railways. The question is fully dealt with by the Chief Commissioner in his reasons for judgment dated December 8, 1916.

Earlier decisions of the Board were to the effect that railway companies could not reasonably be required to supply cars for a short haul upon its own line and a long haul on the line of another company, *Imperial Steel and Wire Company vs. Grand Trunk Railway Company*, 11 C.R.C. 395, and the *Canadian Pacific Railway Company vs. Nelson and Fort Sheppard Railway Company*, decided by the late Chief Commissioner Killam in 1906.

In view of these authorities, the companies from time to time refused to supply cars to be routed for destinations off their own lines.

The question was taken up by the Board and as a result the Canadian Northern at Drumheller supplied open cars for deliveries at C.P.R. points and the C.P.R., at Lethbridge and other points, furnished cars for shipments to points whether on its own line or those of other railways. The condition was aggravated by the further requirements for grain traffic, and efforts were made to encourage the movement of coal during summer months and before the grain rush.

Chief Commissioner:—

“I am of the opinion that the Board must, in the first instance, lay down the general principle that coal must be moved, not only to points on the originating line of railway, but also to points on other lines.

“Cars must be supplied for this purpose as well as for delivery at points on the originating line to the full extent cars are available. In all cases where transfer at the junction point results in the line on which the traffic originates obtaining the long haul, the duty is thrown upon that line to supply the cars. In cases where the long haul is enjoyed by the receiving instead of the originating line, the receiving line must supply the cars. In cases where the line that ought to supply the cars, under these principles, is unable to supply them, then the other line, although not enjoying the long haul, shall supply the cars, but shall be paid by the line in default a per diem charge of \$1.25 instead of the usual per diem of 45c., and this increased per diem charge shall be collected in the case of all such cars from the time the car leaves until it is returned to the line of the owning company.”

While the jurisdiction of the Board to regulate the per diem allowance might be open to question, there is no question as to its control over the division of through rates, and the per diem allowance method was considered an easier and more simple solution than a rearrangement of through rate divisions, which might be made applicable to meet the emergency.

Under the facility clauses of the Railway Act, the Board may order companies to furnish at the place of starting and at the junction of the railway with other railways adequate and suitable accommodation for the receiving and unloading of traffic offered for carriage, and for these purposes it may direct that specific works be constructed—or that cars, motive power or equipment be allotted, distributed, used, or moved as specified by the Board.

In view of these powers, the Chief Commissioner expressed the opinion that the Board had jurisdiction to make the Order above indicated.

The receiving company was required to return cars promptly to the owning line, and, in order to meet emergencies, companies without sufficient equipment were directed forthwith to make necessary changes in flat or live stock cars to enable them to carry coal.

Assistant Chief Commissioner Scott and Commissioner McLean concurred.

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PER DIEM CHARGES.

The per diem charge of 45 cents has remained stationary notwithstanding the shortage of car equipment and that the cost of freight cars has advanced. Railways have placed embargoes on the traffic of other lines with the result that shippers are penalized for the misuse of cars by railways to a greater extent than the railways themselves are. Railways short of equipment can pay this 45 cents per diem charge and make money. Cars interchanged have been used by the receiving line practically as its own equipment, resulting in car shortage on lines which otherwise would have been able to properly look after their own business. The question of this abuse was taken up with the railway companies.

The Chief Commissioner in his judgment dated December 7, 1916, expressed the view that penalties ought to be provided, and points out that as the use of cars in certain trades differs from that in others, a general rule of close application could not be adopted as a basis for misuse, but that with a large per diem charge the different carriers ought to be able to use at least a fair portion of their own equipment; the penalties to be charged only after the lapse of a reasonable time for the return movement; the railway companies to agree as to what this reasonable time is.

APPLICATION OF THE TOWN OF VIRDEN, MAN., *re* FOOT SUBWAY UNDER CANADIAN PACIFIC RAILWAY COMPANY'S YARD.

This was an application of the town of Virden, Man., for an Order requiring the C. P. R. Co. to construct a foot subway under its tracks at a convenient spot in the said town.

Held that the Board had decided on several former occasions that where a railway company lays out a townsite and benefits from the sale of lots in that townsite that it should assist in providing suitable facilities for the public to get across the railway property in that townsite. Reference was made to the judgment of the late Chief Commissioner Mabee, vol. 11, p. 165, followed by the present Chief Commissioner Sir Henry Drayton, in the *City of Medicine Hat v. C.P.R. Co., Can. Ry. Cas., vol. 16, p. 413*. Held that the principle established in these decisions should be followed in the present case.

Held that an Order should go for a pedestrian subway to be constructed by the Canadian Pacific Railway Company according to plans approved by the Board's Chief Engineer, and that the cost of the subway be equally divided between the railway company and the town of Virden; the work to be completed by July 1, 1917.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated November 25, 1916, concurred in by Chief Commissioner Drayton.

Re HAGERSVILLE CRUSHED STONE COMPANY *v.* MICHIGAN CENTRAL RAILROAD COMPANY
REGARDING RATES ON CRUSHED STONE.

Direction was given as follows:—

Michigan Central tariff C.R.C. No. 2490, effective November 27, 1915, carried a 70-cent rate from Hagersville to Amherstburg. This rate, adding the increase allowed in the Eastern Rates Case, becomes by tariff C.R.C. No. 2596, effective November 1, 1916, 75 cents. This rate is not changed by Supplement No. 12 to C.R.C. No. 2490, effective November 20, 1916, the history of which tariff has been so far as the Board is concerned, referred to. The supplement amends the rates so that Oldcastle, Paquette, Pelton, Walkerville Junction, and Windsor are given an 85-cent rate.

Amherstburg is about a mile further from Hagersville than is Windsor, the mileages being 171.8 and 170.7 respectively. The distances from Essex to Windsor and to Amherstburg are substantially the same. Both Windsor and Amherstburg are located on the Detroit river. Windsor has a main line movement; Amherstburg has a branch line movement from Essex, and might, if any difference were justified, be

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expected to be on a higher basis. It is a rate established and continued by the railway. As a measure of whether the rate on a main line movement to Windsor is or is not out of line, it is reasonable to make use of it.

In consideration of the various factors affecting the matter, a rate not exceeding 75 cents to Windsor is reasonable.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated November 20, 1916, concurred in by Assistant Chief Commissioner Scott.

APPLICATION OF THE CITY OF CHATHAM FOR REMOVAL OF TELEGRAPH AND TELEPHONE WIRES.

This was an application of the city of Chatham, Ont., for the removal of the wires of the Canadian Pacific Railway Company's telegraph, the Great North Western Telegraph Company, and the Bell Telephone Company, as at present located on King, William, Queen, and Fourth streets, in the city of Chatham.

Held that there was no justification for the continuance of the line of poles and wires of the Great North Western Telegraph Company on King and William streets, and in the public interest they should be removed. Held further that the portion of the application relating to the Great North Western Telegraph Company's poles on Queen and Fourth streets, including the Bell Telephone Company's wires, as they are on the Great North Western telegraph poles, should be dismissed. Held further that if at some future time conditions on Fourth and Queen streets with regard to pole lines are changed, the city of Chatham could make any further application to the Board it desires.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated November 21, 1916, concurred in by Mr. Commissioner McLean.

CAR SUPPLY FOR GRAIN SHIPMENTS.

Complaints were filed with the Board complaining of the failure of the C. N. R. Co. to provide the necessary cars to move the grain, and requesting that the Board make an order under the enabling legislation of 1916 requiring the C. N. R. Co. to furnish all facilities within its powers to carry grain to a point of interchange with another company or any terminal elevator, and directing such other companies to then complete the transportation.

Held, Chief Commissioner in his judgment of November 20, 1916, that it was impossible to do this at the time for two reasons: (1) that the legislation in question which was passed entirely to meet a greater emergency, only comes into operation after the close of navigation, and the Board, therefore, had no jurisdiction at the time to make such an order; and (2) that the first duty of the connecting carrier would be to farmers on its own line whose grain had not been marketed. It was suggested that the railways could very materially assist in seeing that cars were handled with the least possible delay both to and from wheat fields, and producers could similarly assist in seeing that cars were loaded with as little delay as possible. The Chief Operating Officer of the Board proceeded west under direction with a view of further assisting as much as possible the more rapid movement of grain.

THE OTTAWA PAINT WORKS' COMPLAINT.

The complaint was against the advances made in paints, dry or in oil, and lead, white or red, in straight carloads.

The discrimination complained of by Ottawa was that Montreal had been given rates lower than the class tariff which Ottawa had not enjoyed.

Chief Commissioner in his judgment dated November 22, 1916, concurred in by Commissioner McLean, held that so far as paint rates were concerned the case was covered by the judgment in the Eastern Rates Case, and the discrimination could be removed by applying to Montreal the class tariff rate; that the rate on dry white lead was in an entirely different position to the paint rate. No question of discrimina-

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tion was raised. This article being a raw material should take the commodity rate on the other raw material, linseed oil, which was advanced two cents per 100 pounds instead of to fifth-class as asked by the carriers.

C.N.R. SERVICE BETWEEN HUBERDEAU AND MONTREAL.

Complaints were made against the train service given by the C.N.R. on its line from Huberdeau to Montreal, Que., that the trains were rarely on time, that the time allowed in Montreal was entirely too short to enable those going into Montreal to do any business and return the same day, and that it compels passengers to travel the entire distance to Montreal by the C.N.R. instead of availing themselves of the short route by way of the C.P.R. The mileage from Huberdeau to Montreal via C.P.R. from Montfort Junction is 77.6, while the mileage from Huberdeau to Montreal via C.N.R. is 115.7. Complaint was also made by the post office authorities that it interfered with a proper mail service along the route. The service the year before made connection with the C.P.R. at Montfort Junction timed to arrive at Montreal at 9.20 in the morning; leaving Montreal for Huberdeau at 4 p.m., thereby securing to passengers practically the day in Montreal for business.

The company contended that it should be allowed to take advantage of its own line from Montfort Junction east and that it should also be allowed to effect economies to the fullest extent consistent with the proper public service.

The Chief Commissioner in his judgment of November 13, 1916, agreed with the submission of the railway company that it would not be reasonable to order the C.N.R. to operate its Montfort branch in connection with the C.P.R. and lose business to its own line, if it could handle it as well over its own rails. In fact, he would go so far as to say that the C.N.R. was entitled to its own traffic if it could give a service reasonably as good as that obtained over the former connection; but such service, however, was not being given under the present schedule, and the direction was that an Order go requiring the company to replace and maintain the service of the year before:

Re JOINT RATES.

A large number of joint tariffs were filed by railway companies. In some of these tariffs filed joint rates were cancelled without substituting new joint rates for those cancelled.

Chief Commissioner Drayton, November 11, 1916, "under the Act the duty is thrown upon the companies of filing joint tariffs to cover transportation in cases where the movement over two or more lines is necessary in order to establish a continuous route and through billing."

Held, that an Order go disallowing all notices of cancellation of joint freight tariffs which have not been superseded by other joint freight tariffs duly filed with the Board and applicable between the same points and to the same classes of traffic. The Order, however, not to be applicable to joint rates which may have been necessary under the former system of railway construction, but which, by reason of the present construction, have become unnecessary.

Re APPLICATION OF CANADIAN NORTHERN RAILWAY CO. TO CLOSE STATION AT LOWER ARGYLE, N.S.

The traffic earnings were set out and shown to be approximately only one-tenth of what is called for by the Board's Order in the Flag Station Case. The largest revenue that was alleged by the applicant was \$2,144. This total included an error, however. Adding express business, the best total available is less than \$2,000. The low earning power of the railway was referred to, and it was stated that the matter had to be looked upon from the standpoint of what accommodation was reasonable for

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the public to expect. It was held that under the circumstances disclosed it was reasonable to permit the company to close the agency, the earnings being inadequate to justify the retention of an agent.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated November 8, 1916, concurred in by Assistant Chief Commissioner Scott.

CAR SERVICE RULES.

Application was made by the Security Traffic Bureau of St. Paul, Minn., for a ruling in connection with claims made by it to the Canadian Freight Association for clients.

The Board had previously expressed the view in connection with a claim for demurrage under the Car Service Rules that "the car was liable to the car-service charge in force at the time of its arrival at destination." On the strength of this judgment the applicants asked a refund of all demurrage charges on the cars in question over the rate in force up to and including December 14, 1912, of one dollar per day. By an Order of the Board made in the fall of 1912 an increase of the demurrage toll from one dollar to two dollars a day for the first 24 hours to which the toll would properly apply, and to three dollars a day for each succeeding 24 hours was allowed. This Order was merely temporary to meet the emergency shown to exist, commencing December 15, 1912, and terminating March 31, 1913, both inclusive. The claim of the applicants was that as each of the cars with regard to which the ruling was asked arrived at destination before the tariff under the temporary Order became effective, the railway could only collect demurrage at the rate of one dollar a day.

Held, Chief Commissioner Drayton, November 9, 1916, concurred in by Assistant Chief Commissioner Scott, and Commissioner McLean, that the demurrage tolls chargeable on cars should be levied under the tariff in force at the date of arrival at destination; that demurrage tolls are recoverable under the Car Service Rules, and are not included in the ordinary transportation tariffs; that the right to demurrage accrues on the default of the consignee, is applicable to each day in default, accrues day by day, and expires just as soon as the default is removed; that demurrage charges have nothing to do with questions of transit one way or the other—they can only arise after transit is completed; that there ought to be no refund and to order otherwise would be to offend against the provisions of the Act prescribing equality of treatment and prohibiting discrimination.

Re CITY OF BRANTFORD BY-LAW AGAINST WHISTLING AND G.T.R

The question was raised by the G.T.R. as to the sufficiency and application of a by-law passed by the city, the submission being that the by-law in question was a general one to prevent the obstruction of streets, etc., and that, to be applicable, it must have passed under section 274 of the Railway Act.

Held, Chief Commissioner Drayton, concurred in by Assistant Chief Commissioner Scott, that the statutory duty of the company is quite clear. The question whether that duty has or has not been observed by the company is one for the courts. November 9, 1916.

THE VERNON BOARD OF TRADE AND C.P.R.

The Vernon Board of Trade complained of the failure of the C.P.R. to supply sufficient refrigerator cars for shipments from Okanagan Valley.

The matter was taken up with the company with a view, if possible, to obtaining sufficient refrigerator cars to relieve the situation. It was found that this was impossible. It was shown that, owing largely to the unprecedented and unforeseen conditions created by the war, the shortage of refrigerator car equipment was quite general amongst the railways on the American continent. The price of steel and the scarcity of labour made it practically impossible for companies to add to their stock of refrigerator cars to any appreciable extent. The Canadian Pacific Railway Company

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offered to supply lined box cars with racked floors, equipped with a stove and the necessary fuel for each car, and agreed, in view of the emergency, to carry without charge an attendant to be employed by the shipper to accompany such cars to see that the fires were kept burning properly and the shipments protected from damage by frost. This attendant to be carried back free of charge.

Held by the Chief Commissioner, November 9, 1916, that the Board could make no better arrangement or order. Assistant Chief Commissioner Scott concurred.

Re DIVISION OF COST OF PROTECTION, G.T.R. CROSSING, COLBORNE STREET, BRANTFORD, ONT.

The railway had put in a day watchman at its own expense. A subsequent adjustment was obtained whereby the work of protecting the track and operating the interlocking plant was looked after by a day and a night watchman. The same parties under these circumstances should have equal division of the cost.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated November 8, 1916.

Re COMPLAINT OF THE LAKE SUPERIOR PAPER CO., LTD., SAULT STE. MARIE, ONT., AGAINST EXCESSIVE FREIGHT CHARGES OF THE ALGOMA CENTRAL AND HUDSON BAY RAILWAY CO., ON CARLOADS OF PULPWOOD.

The Lake Superior Paper Company complained of increases in rates on shipments of pulpwood moving a distance of from 175 to 200 miles. The suspension of the tariff was asked for, but it was held that a *prima facie* case for suspension had not been made out, and the tariff was allowed to go into operation.

It was alleged by the applicants that, under an agreement with the railway, the paper company was to have exclusive rights to get pulpwood on the lands of the railway, south from a point 175 miles from Sault Ste. Marie, and stated, further, that north of this there was an arrangement by letter whereunder a blanket rate of \$3 per cord, for the distance of 175 to 300 miles, was to apply. This would work out at 4 mills per ton per mile. The paper company claimed that it had established its business on this basis, and that it was unreasonable to make the change.

The Board held that a contractual basis of the rate referred to did not oust the jurisdiction of the Board as to reasonableness of rates, and that reasonableness of rates, not adequacy of consideration therefor, was the ruling criterion, reference being made in this connection to *Crows Nest Pass Coal Co. v. Canadian Pacific Ry. Co.*, 8 Can. Ry. Cas. 33, at pp. 40-41.

An analysis was made of the traffic of the railway, the bulk of which is low grade. Comparisons were made between the earnings and traffic conditions of the Algoma Central and the Temiscouata Railway which is heavily interested in the movement of pulpwood and other forest products. While their operating ratios are substantially the same, the average haul on the Algoma Central is about twice as great as on the Temiscouata, 94½ per cent of the traffic handled by the Temiscouata originates on the road. In the case of the Algoma Central, about 98.9 per cent originates on the road.

The Board held as follows:—

Tariff C.R.C. No. 345 filed provides that the 176-200 mile group shall have a rate of 7 cents. In Eastern Canada, the mileage scale is 6½ cents. The balance of the mileage under C.R.C. No. 345, up to 300 miles, has an 8-cent rate. In the Eastern Canada scale, the rate is stopped as follows: 7 cents for the 201-225 mile group; 7½ cents for the 226-250 mile group; and 8 cents for the balance. Under the rates authorized by the judgment in the Eastern Rates Case, pulpwood rates are for the eastern groupings as follows:—

Over 176 and not over 200 miles,	6½ cents
Over 200 and not over 225 miles.	7½ "
Over 225 and not over 250 miles.	7¾ "
Over 250 and not over 275 miles.	8 "
Over 275 and not over 300 miles.	8½ "

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On the hauls up to 175 miles inclusive, the rates in C.R.C. No. 345 are lower than the approved rates for Eastern Canada. In view of those lower rates for the shorter hauls, and having in further consideration the nature and amount of the traffic on the Algoma Central as compared with the traffic on the lines in Eastern Canada, the rates and scaling as set out in C.R.C. No. 345 are not unreasonable.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated November 8, 1916, concurred in by Assistant Chief Commissioner Scott.

IMPORT RATES.

Railway companies applied for permission to materially increase their import rates. The importers objected that with high ocean rates the burden on their traffic was already unduly heavy.

Held that while undoubtedly ocean rates were very high, that fact of itself was no reason why companies should be required to carry imports at a probably low and unremunerative basis; that the present application for increased import rates should however, stand until the full effect of the increase authorized under the recent Eastern Rates Case judgment should be demonstrated. See judgment of the Chief Commissioner, dated November 6, 1916, concurred in by Assistant Chief Commissioner Scott and Commissioner McLean.

IN *re* TARIFFS OF TOLLS FOR HEATED CAR SERVICE.

The question of the tariffs from the East to the West has been gone into and the figures of cost submitted by the Canadian Pacific and by the Grand Trunk have been carefully checked.

In dealing with the question of the longer haul movement between the East and the West, the proposed tariff made use of a series of groups, these being as follows: Group A, west of Fort William to Winnipeg; Group B, remainder of Manitoba; Group C, Saskatchewan; Group D, Alberta; Group E, British Columbia, east of and including Kamloops, Penticton, Prince George; Group F, the remainder of British Columbia.

In using the group system, instead of having a flat computation on a mileage basis, the rates taper on the mileage of the group; that is to say, the longer distance obtains the advantage of a somewhat lower rate, if the matter is looked at from the standpoint of mileage alone. The cost items have been carefully analyzed and the groupings have been rearranged, and in this rearrangement there has been considered the characteristic points to which shipments are made. There has also been a revision in regard to rates.

In revising the groupings as set out in the subjoined table, the mileages as given are those from a common typical shipping point in the East, St. Catharines having been taken for this purpose. It may be also stated that the mileages as a rule are averages. This seems fairer. For example, to Group 4, the average distance from Winnipeg to the four terminal points has been added to the mileage from St. Catharines to Winnipeg. The following table sets out the rates which are reasonable for this phase of the service:—

To Groups.	Miles.	Rate.
1. West of Westfort to and including Kenora and Rainy River	1,200	\$10 00
2. West of Group 1 to and including Winnipeg and Emerson	1,334	11 00
3. Remainder of Manitoba	1,538	13 00
4. West of Group 3 to and including Viceroy, Moosejaw, Saskatoon and Prince Albert	1,784	15 00
5. Province of Saskatchewan west of Group 4	1,024	16 00
6. West of Group 5 to and including the C.P.R. Macleod-Calgary-Edmonton line	2,137	18 00
7. North of Edmonton and west of Group 6 to Penticton, Kamloops, and Prince George	2,584	22 00
8. West of Group 7 to Vancouver and Prince Rupert	2,943	25 00

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The charges above set out may be measured for the group mileages both in terms of ton-mile earnings and car-mile earnings. For this purpose, the loading of 24,000 pounds, the classification minimum for apples, is taken. In the computations per car mile, fractions of a mill are omitted:—

Group.	Per ton mile.	Per car mile.
1.	6/10 of a mill	8 mills
2.	6/10 of a mill	8 "
3.	7/10 of a mill	8 "
4.	7/10 of a mill	8 "
5.	6/10 of a mill	8 "
6.	6/10 of a mill	8 "
7.	7/10 of a mill	8 "
8.	7/10 of a mill	8 "

The proposed tariffs are intended to apply on all traffic requiring heating, and the clause in the tariff that the charge for heating was to be in addition to the car rental as well as the freight charges was open to the construction that it was proposed to make the charge for refrigerator rental authorized under General Order No. 152 in the case of vegetables apply to all other traffic in heated refrigerators. Order No. 152 provides as follows:—

For any distance not exceeding 300 miles, \$3 per trip.

For any distance over 300 miles but not exceeding 500 miles, \$5 per trip.

For any distance over 500 miles but not exceeding 750 miles, \$6 per trip.

For any distance over 750 miles but not exceeding 1,000 miles, \$7.50 per trip.

For any distance over 1,000 miles, \$10 per trip.

The proceedings at Calgary show that one of the parties applicant interpreted the tariff as applying to all traffic loaded in heated refrigerators, and this misunderstanding was not corrected. The provisions of the tariff, however, have to be read in connection with the provisions of General Order No. 152 as limited.

It appears, further, that while the car rental refers only to vegetables, in fact its scope is extremely limited, and it does not appear what vegetables can be referred to, except, perhaps, an occasional carload of onions. It was stated at Toronto that it was only in exceedingly exceptional cases that potatoes were handled in refrigerator cars with oil heaters, the normal practice being to have the heating supplied by the shippers themselves, this heating being by coal stoves and the movement not being in refrigerator cars.

The provisions of the General Order looked at in connection with the heated car service charge create an extremely anomalous condition. If, for example, a shipper pays \$5 for a refrigerator car not heated, on a movement from Toronto to Montreal, he would, on a movement of vegetables, if he required the car heated, pay one cent a mile in addition, or a total of \$8.34, whereas a heated car carrying other traffic than vegetables would pay the heating toll of \$3.34, there being no car rental charge in this case; so there is the anomaly of an unheated car costing more than the heated car.

On full consideration of the conditions now existing, it appears that the situation is so different from that existing when Order No. 152 was issued that it should be rescinded; at the same time, this is without prejudice to such application, if any, as may be made, keeping in view the rearranged conditions.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated October 25, 1916, concurred in by the Chief Commissioner, Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

Re CROSSING NIAGARA, WELLAND, AND LAKE ERIE RAILWAY OVER MICHIGAN CENTRAL RAILWAY
ON SOUTH MAIN STREET, WELLAND.

This was an application of the Michigan Central Railway Company to the Board for reconsideration of that portion of the Board's Order No. 17324, dated August 27, 1912, authorizing the Niagara, Welland, and Lake Erie Railway Company to cross the Michigan Central railway on South Main street.

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It appeared that the Order in question was issued on the consent of the municipality, it dealing chiefly with the right-of-way of the Niagara, Welland, and Lake Erie Railway on the highways of the municipality, and that the municipality was not heard on the subject of the company's tracks on South Main street.

Held that an Order should go amending Order No. 17324, by eliminating from it the authorization to the Niagara, Welland, and Lake Erie Company to cross with its tracks the tracks of the Michigan Central at grade on South Main street, and authorizing the Niagara, Welland, and Lake Erie Company to cross the Michigan Central tracks underneath through the subway. That on the question of the cost the Michigan Central Railway Company should pay half of the cost of the subway not exceeding the \$6,500 offered by the company.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated October 31, 1916, concurred in by Mr. Commissioner McLean.

Re PROTECTION AT C.P.R. CROSSING BY THE ST. VINCENT DE PAUL PENITENTIARY TRAMWAY.

The Board was asked by the Canadian Pacific Railway Company and the Department of Justice to decide what, if any, protection should be installed at the crossing in question, and, if some protection was thought necessary, how the cost thereof should be apportioned.

Held that the crossing should be protected by the installation of a half interlocking plant and that each party should pay one-half of the cost of the installation and one-half the cost of renewal and repairing charges in connection therewith. That the plant should be installed by the C.P.R. Company and maintained by it, accounts being rendered to the Department of Justice for its share of the expense, and that the plant should be installed not later than January 1, 1917.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated October 31, 1916, concurred in by Mr. Commissioner Goodeve.

Re TRANSFER TRACK, CANADIAN NORTHERN RAILWAY AND CANADIAN PACIFIC RAILWAY,
MOOSEJAW.

The city of Moosejaw and the village of Avonlea, Sask., desired transfer connection between the C.N.R. and the C.P.R. in Moosejaw. The transfer track proposed by the C.N.R. connected with the C.P.R. on city blocks 154 and 155. The C.P.R. opposed the application as interfering with its terminal property in Moosejaw and made an alternative proposal connecting the tracks of the two companies on city block 155. This latter proposal objected to by the city.

The Chief Commissioner in his judgment of October 21, 1916, expressed the view that the construction proposed by the C.P.R. would be against public interest and productive of more real damage than the construction of the spur through its property which at that time was not being put to any railway use. In addition, the construction favoured by the C.P.R. entailed a crossing of the street railway at grade, while the construction along Maple street suggested by the city and the Canadian Northern Railway carried the spur under the overhead bridge on Fourth avenue.

Held, that the transfer track and connection should be constructed on city block 155. The city concurred upon terms to the construction through blocks 172, 155, and 156 and the use of the streets, and the direction was that work in accordance with the corrected plans filed be commenced at once and completed without delay, if men were available for the purpose. The city to be at no loss or damage resulting from the work on its streets.

Re RIVERDALE PARK CROSSING, TORONTO.

This was an application by the city of Toronto for protection during the summer months at the crossing of the tracks of the Canadian Pacific, Canadian Northern and Grand Trunk Railway Companies' lines over a foot path connecting the portions of Riverdale Park which are separated by the Don river and the tracks in question.

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Held that a watchman should be employed from the 1st May until the 31st October in each year, and that the cost of the watchman during the three months should be divided among the four parties concerned, and the city of Toronto should pay 25 per cent, the C. N. R. 40 per cent, the C. P. R. 25 per cent, and the G. T. R. 10 per cent.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated October 13, 1916, concurred in by Commissioners McLean and Goodeve.

Re INTERCHANGE CONNECTION, LAKE ERIE AND NORTHERN RY., TORONTO, HAMILTON AND BUFFALO RY., AND GRAND TRUNK RY., BRANTFORD.

Application for interchange tracks was made to the Board by a large number of manufacturing concerns in the city of Brantford. It appeared that the chief object of their desiring the interchange was to enable them to get prompt shipment in or out from there to the C. P. R. points.

Held that the putting in of an interchange as applied for would be of great benefit to a number of important industries in Brantford; that it was clearly in the public interests and would not be seriously prejudicial to the business of other companies, as while it would take some business from them it would bring new business to them.

Held that an order should go granting the application, and that the order should be a permissive one allowing the Lake Erie and Northern Railway Company to construct the interchange track.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated October 11, 1916, concurred in by Mr. Commissioner McLean.

APPLICATION OF CITY OF HAMILTON *re* CONVEYANCE BY THE HAMILTON RADIAL ELECTRIC RY. CO. OF CERTAIN LANDS FOR THE EXTENSION OF BIRCH AVENUE.

This was an application of the city of Hamilton for an order that the Hamilton Radial Electric Railway Company convey a piece of property required for the extension of Birch avenue in the city of Hamilton to the city.

The application involved a question of the interpretation of the provisions of the Board's order 15241, dated October 11, 1911. Clause 1 of the said order stated as follows:—

“That the city corporation shall construct the extension of Birch avenue from its present northerly terminus to Gilkison street as shown on the annexed plan, and the cost of such construction shall be paid by the city corporation.”

Held that there was nothing to warrant the Board in coming to the conclusion that the city had the right to take the railway company's property for an extension of Birch avenue without paying for it, and that the application should accordingly be refused.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated October 13, 1916, concurred in by Mr. Commissioner McLean.

IN *re* APPLICATION OF THE CANADIAN CAR SERVICE BUREAU FOR RULING ON CONDITIONS IN CANADIAN BILL OF LADING AND CANADIAN CAR SERVICE RULES.

The ruling was as follows:—

The Canadian Bill of Lading sets out a period of seventy-two hours' free time in the case of bonded goods. The United States Bill does not refer to clearance of customs. The National Demurrage Rules, however, provide for twenty-four hours for this purpose.

Section 5 of the United States Bill of Lading contains in the second paragraph thereof the words: “Nothing in this section shall be construed as lessening the time allowed by law or as setting aside any local rule affecting car service or storage.”

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Rule 2 of the Car Service Rules provides for forty-eight hours' free time. Sub-section (d) of the same rule allows twenty-four hours additional free time for clearance of customs.

The Car Service Rules thus earmark twenty-four hours for the clearance of customs where such service is necessary. The Board ruled in the case of the Wood Coal Company and the Barber-Ellis Company, above referred to, that the twenty-four hours additional free time for the clearance of customs was the first period in point of time, and that under the rule the forty-eight hours for unloading ran from the termination of the time allowed for clearance of customs.

Section 5 of the United States Uniform Bill of Lading already referred to makes this provision, subject to the time allowed by law or by any local rule affecting car service. This is to be construed by the law or local rule in regard to car service in Canada.

The legal situation in the matter in the United States differs from that existing in Canada. There it is open to the individual state legislatures to pass laws dealing with the question of free time, and such laws have been passed by them. The National Demurrage Rules in use in the United States, while they have the endorsement of the Interstate Commerce Commission and a fairly general support, have been taken up by acceptance and not as a result of a formal Order. These rules came into force after the Bill of Lading in question was adopted. In Canada, the Car Service Rules are in force as a result of the Order of the Board; so, also, are the provisions of the Bill of Lading; so both of these are part of the law relating to the topic under discussion.

The Car Service Rules constitute a code dealing with the question of average reasonable time for delivery, delays to cars, and penalties for such delays. The Canadian Bill of Lading is a document defining the liability of the carrier. Incidentally, it does refer in Section 6 to the limits of the free time; but this is referred to as defining the period when the liability of the carrier *qua* carrier ceases, the liability thereafter being that of a warehouseman only.

The subject matter of the Car Service Rules and of the Bill of Lading are quite distinct.

Section 2 of the Car Service Rules is concerned with the period of seventy-two hours on bonded freight, made up of forty-eight hours' free time and twenty-four hours for clearance of customs, from the standpoint of the peculiar scope of the Car Service Rules as above referred to.

The Bill of Lading earmarks seventy-two hours as the maximum free time for bonded goods, but it does not say how that time shall be distributed. For this, reference must be made to the Canadian Car Service Rules; and the interpretation of this given in the case already referred to governs.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated October 6, 1916, concurred in by Chief Commissioner Drayton and Assistant Chief Commissioner Scott.

Re COMPLAINT OF CHARLES STEVENS, NAPANEE, ONT., *re* EXCESSIVE FREIGHT RATES ON WOOD ASHES.

Application was made for commodity rates on wood ashes in carloads for the purpose of manufacturing potash. The railways proposed the application to wood ashes of the fertilizer rates. It was held by the Board that the rates as proposed by the railways were reasonable.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated October 3, 1916, concurred in by Assistant Chief Commissioner Scott.

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Re COMPLAINT ON BEHALF OF MCKENZIE & THAYER, SASKATOON, SASK., *re* CANADIAN
NORTHERN RAILWAY RATES ON SHIPMENTS OF BRICK.

What was involved was a movement from a point in the United States to a point in Canada. Between these points no specific through rates were in existence, and it was contended that by taking the sum of rates between points in the United States and the International Boundary, and rates beyond, a lower rate could be obtained than by the lower rate to Minnesota Transfer, plus the through rate from Minnesota Transfer to Saskatoon, and it was contended that, to the extent there was on the locals a lower rate combination, there was an overcharge that should be refunded.

The decision pointed out that, under section 336 of the Railway Act, where traffic moved from a point in a foreign country to Canada by any continuous route, a joint tariff was necessary to be filed.

The joint tariff as filed from Minnesota Transfer was held to be in compliance with the Railway Act, and the Board, therefore, had no authority to make the declaration asked for, or to direct the refund asked for.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated September 28, 1916, concurred in by Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

Re COMPLAINT OF T. M. STEVENS & CO., VANCOUVER, B.C., REGARDING ADVANCES IN FREIGHT
RATES ON SAGO AND TAPIOCA.

The question of an advance in rates on sago and tapioca in connection with the publication of tariff, is involved.

The tariff as filed bears on its face the statement that it is issued July 7, 1916, effective August 1, 1916. As a matter of fact, the filing date with the Board was later, it not being until July 13 that the tariff in question was received.

Under section 328 of the Railway Act, as amended by 1 and 2 Geo. V, chap. 22, section 11, it is provided that when a special freight tariff advances any toll previously authorized to be charged under the Railway Act, the company is to file and publish such tariff 30 days previous to the date the tariff is intended to take effect.

In view of the fact that the tariff was issued as of July 7, 1916, effective August 1, 1916, and the further fact that it was not filed with the Board until July 13, the non-compliance with the provisions of the Railway Act was taken up with the railway companies. The answer of the Great Northern is submitted by its solicitor, Mr. Haydon, said answer being sent out in the letter of the general solicitor of the company. It states, *inter alia*, that "the Interstate Commerce Commission usually allows rates on import traffic to be put into effect on short notice; that under the circumstances the Canadian Commission should do likewise....."

The Board is advised by the Canadian Pacific Railway Company as follows:—

"In this matter, through an oversight, Mr. R. H. Countiss, who issued Transcontinental Tariff 26-D neglected to file it with the Board the full thirty days in advance of its effective date as required by sections 328 of the Railway Act.

"Accordingly, I have to request that the Board consent to alter the effective date of the tariff to August 8, and arrangements will be made to refund, on application, the excess charges on any shipments which moved between August 1 and August 8, when it should properly have been effective."

As to the position taken by the general solicitor of the Great Northern that the Board should grant short notice on import traffic, that is manifestly a question of what power is given under the Railway Act. The Board is bound by the explicit provisions of the Railway Act.

As to the suggestion contained in the latter paragraph of the letter of the Canadian Pacific as above quoted, the initial filing not having been in compliance with the

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provisions of the Railway Act, there is no power in the Board to alter the effective date of the tariff to August 1. The full 30 days notice is required in connection with filing with the Board. At best, however, there was only a period from July 13 to August 1 covered by notice, and this does not establish a credit of so many days in connection with a later and amended notice of filing. The tariff as filed has not met the requirements of the Railway Act, and the railway companies cannot legally collect rates thereunder in respect of movements within the scope of the Railway Act. If the railway companies desire to put the tariff in question into force, immediate steps should be taken to file in accordance with the terms of the Railway Act.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated September 9, 1916, concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve.

Re INCREASE IN RATE ON COAL FROM NIAGARA FRONTIER VIA MICHIGAN CENTRAL.

This was a complaint made by the city of St. Catharines, the town of Thorold, and other parties interested, against the increase in rates on coal in carloads from the Niagara frontier to Thorold and St. Catharines for Niagara, St. Catharines and Toronto rail delivery.

It appeared that the Michigan Central Railway Company and the Niagara, St. Catharines & Toronto Railway Company had for many years a joint rate in effect on coal from the Niagara frontier to St. Catharines and other Niagara, St. Catharines & Toronto points, of 40 cents per ton, and of this rate the Michigan Central Railway received two-thirds and the Niagara, St. Catharines & Toronto Railway one-third. It appeared further that this rate was cancelled on May 5, 1916, because the companies were unable to agree upon the proportion each company should pay of the revenue.

Held that a joint rate on coal from the frontier to St. Catharines and adjacent points over the Michigan Central & Niagara, St. Catharines & Toronto Railways, should be established, but that it was not reasonable to expect that it should be as low as a one line rate. Held also that the Niagara, St. Catharines & Toronto Railway Company had made out a proper case for an increase. Held also that as far as the Board was concerned, it would accept the new tariff effective on short notice, and it was directed that an Order should go for the establishment, as soon as possible, of the joint rate of 47 cents with the proportion to the Michigan Central Company of 27 cents and to the Niagara, St. Catharines & Toronto Company of 20 cents per ton.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated September 20, 1916, concurred in by Mr. Commissioner McLean.

Re CANADIAN NORTHERN AND STOP-OVER CHARGES ON SHIPMENTS OF GRAIN IN GOOSE LAKE DISTRICT.

Complaints were made by shippers that the railways were making a stop-over charge of one cent per 100 pounds on grain transhipped at Saskatoon under the Order of the Board. The railways denied that this charge was being made. The Canadian Northern Railway tariff under which the grain moved provided for a charge of one cent per 100 pounds for extra terminal services limited to milling-and-storage or cleaning-in-transit movements. The Order complained against dealt with the transfer of grain originating on the Canadian Northern Railway tracks in Goose Lake district to the Grand Trunk Pacific for furtherance east. The shippers shipped at the regular Canadian Northern through rate. The division of the joint movement was settled between the railway companies.

Chief Commissioner, judgment dated July 31, 1916, concurred in by Commissioner Goodeve, held that the question turned entirely upon the rate situation applicable to the Canadian Northern Railway; that the rule in its tariff above referred to must be applied to movements made under the substituted service on the Grand Trunk Pacific Railway; and that as a result the one cent per 100 pounds could not be exacted from shippers in

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respect to grain which the Canadian Northern simply handed over to the Grand Trunk Pacific at Saskatoon, but that all grain taken into the elevator for storage or cleaning in transit in respect to which the Canadian Northern could have made the charge under its tariff the charge could still be made notwithstanding that the Grand Trunk Pacific carried the grain east instead of the Canadian Northern Railway.

Re PROTECTION OF CROSSING OF CANADIAN PACIFIC RAILWAY AT TWELFTH STREET,
NEW WESTMINSTER, B.C.

The city applied for the installation of a bell at this crossing. Both the Canadian Pacific Railway and the British Columbia Electric cross Twelfth street close to each other. The electric railway company's crossing is protected by a bell. The Board's Engineer reported that if another bell was installed it would be necessary at least to bond the track on each side of the street for 400 or 500 feet, and as the tracks are only used for switching purposes, the cars would necessarily have to stand at times on the bonded area waiting to be routed to the different tracks west of the street, switches of which are close to Twelfth street. The result would be a constant ringing of the bell until the cars were clear of the bonded area and might be the cause of the real danger point being overlooked.

Held, Chief Commissioner Drayton, July 27, 1916, concurred in by Commissioner Goodeve, that an Order go requiring the Canadian Pacific Railway Company to stop and flag its trains over the crossing.

THE VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY AND THE
MUNICIPALITY OF BURNABY.

The railway company applied for approval of changes in its line of railway involving the carrying of North street over the railway by means of a bridge. The municipality objected first, that this unnecessarily interfered with its rights in the North road, and second, as to the character of the construction. The railway proposed a wooden structure, the municipality contending that if the crossing applied for was allowed a steel bridge should be constructed. The municipality's suggestion was that the railway should be carried under the North road by means of a tunnel.

Held, Chief Commissioner, in his judgment dated July 28, 1916, concurred in by Commissioner Goodeve, that a steel bridge with a width of 24 feet on the road and six foot sidewalks extending on each side should be provided at this crossing; the railway company to file detail plans embodying these directions.

Re PROOF COPIES OF THE PROPOSED NEW CANADIAN FREIGHT CLASSIFICATION NO. 17. FILE
NO. 25672-9.

The new classification made not only radical changes in ratings but substantial changes in the rules as well. These changes made it difficult for the Board and practically impossible for shippers to properly consider the effect of the new rules and the new classification without definite information as to all the changes sought.

Held, Chief Commissioner, July 26, 1916, concurred in by Assistant Chief Commissioner Scott, that an Order should go directing the railway companies to file with the Board and serve on the parties a statement showing, in the first instance, all changes made in the Rules and the grounds on which the changes are sought to be justified, and showing the results the changes would make on traffic in Eastern and Western Canada respectively.

Re COMPLAINT OF MESSRS. DOUCET & FRERES, GRANDES PILES, P.Q., *Re* FREIGHT RATES ON
BRICK.

The complaint as launched involved two matters. First, the question as to whether the railway company was under obligation to reduce rates in order to offset the unfavourable economic condition of the producer; and, second, the question of the general reasonableness of the rates in themselves.

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It was pointed out in the judgment of the Board that there was no such obligation under the Railway Act to reduce rates to offset any unfavourable economic condition to which the applicants might be subjected. The obligation was simply to enforce reasonableness of rates, and the rate factor was only one factor in connection with the general situation.

As to the general reasonableness of the rates, it was said:—

The question of the general reasonableness of the rates may now be dealt with.

The applicants complain of the rates to various points. They state they had decided to take a contract with people in Yamachiche, hoping to get a rate of $3\frac{1}{2}$ cents; but they found they were being asked 5 cents, and this rate seemed to them to be unfair. The applicants claim that formerly there was a $3\frac{1}{2}$ -cent rate to Yamachiche.

The Board's tariff files show no records of a $3\frac{1}{2}$ -cent rate from Grandes Piles to Yamachiche. Before January 1, 1911, there was a rate of $4\frac{1}{2}$ cents, this being the rate charged in accordance with the railway company's special mileage scale on brick and other building materials. Effective February 1, 1911, the rate was raised to 5 cents, at which point it has since stood. The Applicants stated that in 1915 there was a rate of two cents to Garneau Junction, and that for one cent extra they could get to Grand' Mere and Shawinigan Falls, on the Canadian Northern. The Board's records do not show a 2-cent rate from Grandes Piles to Garneau Junction. The rate shown is 3 cents.

Complaint is made regarding the rate to Montreal. The applicants state that they formerly had a rate of 5 cents to Montreal. This rate is now, and has been since August 1, 1913, $5\frac{1}{2}$ cents.

To Shawinigan Falls and Grand' Mere the Canadian Pacific mileages are 51 and 57 miles respectively, but it is only 6.6 miles to Garneau Junction, where connection is made with the Canadian Northern, and the latter's distance thence to Shawinigan Falls and Grand' Mere being under four miles, the situation falls within the scope of the General Interswitching Order.

At the hearing Mr. Macdonell, for the Canadian Pacific, admitted this as the explanation of the joint 4-cent rate. But in this computation he includes the full interswitching toll of 1 cent, whereas it should only be half a cent. Consequently any shipments which have been charged 4 cents have been overcharged $\frac{1}{2}$ cent, and adjustment should be made accordingly.

As indicated, there is a mileage scale on brick and other building materials. This is the scale which is charged in respect of the destination points referred to by the applicants, excepting Montreal. To Montreal the scale rate would be 8 cents. The rate actually charged of $5\frac{1}{2}$ cents is, therefore, $2\frac{1}{4}$ cents below scale. A reduction is made in order to allow the longer distance points to compete in the larger consuming markets. This is to the advantage of the producers located at the longer distance.

Reference is made by the applicants to the fact that there are shipments from competing plants at St. Tite, on the Canadian Northern, to Shawinigan Falls, Grand' Mere, and Montreal, and that these shipments are made on the rates they desire to obtain from the Canadian Pacific. The rate from St. Tite to Montreal is 5 cents. This is a one-line Canadian Northern haul, and the rate of 5 cents is a special rate for the distance of 106 miles. The rate to Shawinigan Falls and Grand' Mere, viz., $3\frac{1}{2}$ cents, is the single line rate for the distance involved, 11 and 18 miles respectively.

Aside from the lower rate basis to Montreal, the reason for which has been explained, the brick movements in the province of Quebec are looked after generally on the special mileage scale, no lower rates being given to other shippers than the scale rates. A departure from the general rate basis would, therefore, be a preference in favour of the applicants and discrimination against their competitors. The application cannot be allowed.

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The facts are fully set out in the judgment of Mr. Commissioner McLean, dated July 26, 1916, concurred in by Assistant Chief Commissioner Scott and Deputy Chief Commissioner Nantel.

Re COMPLAINT OF F. L. GETZLER, MONTREAL, QUE., *re* RATES ON PIG IRON IN CARLOADS.

In this complaint there was involved the question whether a movement under a combination of a class and commodity rate which gave a lower total than the through rate between the points in question governed; that is to say, what was involved was a question of refund.

The Board points out in its judgment that the through rate between the points in question was legally in force. The Board has no power to direct a refund, and the only redress it could give was to direct for the future, on application, and a proper establishment of the unreasonableness of the through rate, a reduction of the through rate to the combination of the rates as referred to. No such application was made to the Board.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated July 14, 1916, concurred in by Assistant Chief Commissioner Scott and Deputy Chief Commissioner Nantel.

Re COMPLAINT OF MESSRS. GRAHAM CO., LTD., BELLEVILLE, ONT., *re* FREIGHT RATES ON DESICCATED VEGETABLES.

The applicants in shipping from their Michigan factories pay the fourth-class rate under the official classification, which appears to be 31.9 cents from Mayville and 34.8 cents from Casnovia to Montreal. They are asking that the same goods moving from a point in Canada to a Canadian port, under the official classification, should be given a lower classification than when moving from a point in the United States to the same port.

As has been pointed out, the railways are under no statutory obligation to use the official classification on export business from Canadian points to Canadian ports. When it is used, as has been pointed out, it, in general, gives a lower combination than is given under the combination of the domestic tariff and classification. That is to say, there is extended to Canadian business the advantage of a rate worked out on the greater volume of business offering in the United States and the effect of competition in reducing the rates to the United States ports. The use of the official classification in Canadian territory thus gives the advantage of maintaining a parity of ports irrespective of volume of tonnage offering.

The remedy asked for by the applicants by way of putting their commodities into the 5th class of the official classification cannot, therefore, for reasons given, be granted.

The combination of the fifth-class rate of the Canadian classification and the domestic tariff from Belleville to Montreal, plus the terminal charge of 2½ cents, gives a rate of 21½ cents. This is the same as the fourth-class export rate under the official classification. The fifth-class rate of the official classification, for which the applicants are asking, would be 18 cents. The fifth-class domestic rate, plus the terminal charge of 2 cents, would give a rate from Belleville to St. John of 31 cents. The fourth-class export rate on which the commodity is moving is 25.8 cents. The Applicants are asking for a fifth-class official rate of 22.1 cents. To Halifax, the combination of the domestic rate and terminal is 32 cents. The fourth-class export basis which the applicants enjoy is 25.8 cents. They are asking for a fifth-class rate of the official classification of 23.1 cents.

At Montreal, the terminal services consist of:—(a) The Harbour Commissioners' switching charge of \$2.50 per car, regardless of weight. On the basis of the minimum weight required for evaporated vegetables by the official classification, namely, 30,000 pounds, this charge is equivalent to 16.67 cents per ton.

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(b) Unloading from car to steamship sheds, estimated at 30-35 cents per ton; but this charge may be disregarded, since the fourth and fifth-class rates include handling by the railway company.

(c) Wharfage, 20 cents per ton, of which the railway company pays a half.

(d) Port Warden's fee, 2 cents per ton.

While there is a terminal charge, by tariff, in the case of Montreal of $2\frac{1}{2}$ cents per 100 pounds, the situation is that the railway absorbs the Harbour Commissioners' switching charge and one-half of the wharfage charge. There remains then as the amount which should properly be set out in the tariff as the sum payable by the shipper as terminal charge 12 cents a ton, Port Warden's fee and half wharfage. There should, therefore, be a correction in the tariffs to the basis of six-tenth cents per 100 pounds, so far as Montreal is concerned.

The question whether port terminals should not be entirely absorbed in the domestic rates has not been spoken to. It is a matter which may be listed for hearing.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated June 23, 1916, concurred in by Assistant Chief Commissioner Scott and Deputy Chief Commissioner Nantel.

CITY OF MOOSEJAW, CANADIAN PACIFIC AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

The city applied for an Order directing interchange facilities between these two companies in Moosejaw. The Grand Trunk Pacific asked that the transfer be made by constructing the transfer and storage track connecting its branch to the elevator with the Outlook Subdivision of the C.P.R. at a point between Twelfth and Eleventh avenues. The C.P.R. objected to this location on the ground that there was a 1 per cent grade at its Outlook branch; that this connection involved a long haul up its grade, and that as senior to the G.T.P. its interest should be first considered. It suggested a construction and connection nearer the Government elevator. It developed after the hearing that the connection proposed by the C.P.R. involved a 2 per cent grade.

Held, Chief Commissioner in judgment dated July 21, 1916, concurred in by Commissioner Goodeve, that the transfer must be built on the Outlook subdivision of the C.P.R. as applied for by the G.T.P. unless the C.P.R. could modify the grades at the connecting point on the interchange track suggested by it so as to give the G.T.P. a grade, exclusive of curvature, not greater than 1 per cent. In this event the G.T.P. to contribute the sum of \$2,500 towards the cost. If the Outlook branch transfer was made, the G.T.P. to be at the entire cost of the construction.

GREAT WEST COAL COMPANY AND G.T.P.

The Great West Coal Company applied for an Order, under section 226 of the Railway Act, directing the G.T.P. to rebate or refund to the applicant company the sum of \$31,189.30, being the aggregate amount paid by the applicant company for the construction and completion of the spur constructed under Order No. 15283, by way of rebate out of the tolls.

The spur in question was built under an agreement between the parties.

The Chief Commissioner in an oral judgment delivered at the close of the hearing on June 15, 1916, distinguished between the case of a spur constructed under section 222 of the Railway Act and those built under section 226, where the construction is forced upon the company. Section 226 expressly provides for a rebate, and when the amount is refunded the spur becomes the property of the company. In summing up the Chief Commissioner said:—

“The two cases are entirely different. The provisions of section 226 cannot be applied to section 222. Section 222 stands on agreement; section 226 stands on statutory rights which alone give the right of refund.

“The application is dismissed.”

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CANADIAN WESTERN LUMBER COMPANY, LIMITED, AND GREAT NORTHERN RAILWAY COMPANY.
FILE NO. 19475-24.

The lumber company applied for a direction as to the correct charges to be made and collected by the Great Northern on a shipment of fir and a ruling as to whether the minimum weight required on a car can also be the maximum capacity of the car. The car in question was a 32-foot flat car with a marked capacity of 40,000 pounds. According to the tariff this car would take a 40,000-pound minimum if the same is a 40-foot car with a capacity up to 100,000. The minimum in the case complained of was also the maximum that could be loaded on the car. The tariff of the Great Northern covering the movement of fir and other lighter woods contained an exception to the ordinary minimum of lumber loading of 40,000 pounds by providing that in cars 36 feet in length, when loaded to the "full visible capacity," the minimum would be the actual weight, but not less than 30,000. The argument of the company's representative proceeded on the assumption that the provision as to the "full visible capacity" applied to the car in question.

Held, Chief Commissioner in his interim judgment dated June 1, 1916, concurred in by Commissioner McLean, that the rule as to "visible capacity" could not be applied to a flat car unless the tariff itself supplied information as to the floor area to be occupied and the height to which the loading was to be carried. The tariff in question contained no such provision. The minimum must be left at 40,000 pounds, the marked capacity of this flat car.

Re LAKE ERIE AND NORTHERN RAILWAY COMPANY AND CITY OF BRANTFORD. FILE NO. 18034.60.

The railway company apply for approval of location of its station at the corner of Colborne and Water streets in Brantford. The approval of the site necessitated the use of a triangular strip of Water street having a width at the junction of Colborne street of 16 feet 3 inches, and extending along Water street for a distance of fifty-two feet. The railway company had purchased a triangular strip of land on the east side of Water street with a frontage on Colborne of 10 feet, making an opening on to Water street at the angle and on the Colborne street line of thirty-seven feet and at a right angle of thirty-three feet.

The city objects to the approval of the site on the grounds amongst others that the freight traffic for both the applicant company and the Brantford and Hamilton Radial is down Water street and passes the proposed railway station from Colborne street on a down grade of about 7 per cent; that the Brantford and Hamilton Radial Company proposes to pass over the street by a level crossing; that Water street leading from Colborne is on an acute angle, the apex around which the bulk of the freight from Colborne street would have to pass to get to the proposed station; that with the industries already located and those proposed to be located on Water street, the traffic would be too much congested; and, further, that the proposed station does not comply in height with the city's by-law which requires the front of the station to be 30 feet in height from the curb.

The city agrees to the Order on condition that the Canadian Pacific Railway acquire an additional triangular strip of land, shown as "C" on the plan, to the east of that already acquired by it, having a frontage on Colborne street of 22 feet and an extreme depth to Water street, on the east, of 39 feet.

The Board's Engineer recommends that if the company were compelled to take the portion marked "C" and deed it to the city for highway purposes, the city in exchange give to the company the land marked "A" and "B" as shown on the plan.

Held, Chief Commissioner, June 6, 1916, that an Order go approving the location of the station subject to the condition that the company obtains block "C" shown on the city's plan and deeds it to the city for highway purposes; the city to deed to the company blocks "A" and "B" in exchange.

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Re CAR SERVICE RULES.

Car service charges for the time over the free time allowed by the Car Service Rules are independent of the tariff under which the shipment moved on the railway, and consequently the car involved in the application in question was liable to the Car Service Rules charged in force at the time of its arrival at destination.

The contention of the application that it was the lower car service charge in force at the time the bill of lading was issued was not upheld.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated May 22, 1916, concurred in by Chief Commissioner Drayton.

CITY OF WINDSOR V. THE CANADIAN PACIFIC RAILWAY.

The city applied for an Order directing the railway company to provide and construct a suitable bridge over the company's railway at its intersection with London street.

In support of the application it was submitted that because of the increase in traffic on London street the present width of the bridge was insufficient and inadequate for traffic passing over it; that the municipality's intention was to pave the street at its intersection with the railway company's line, and before doing so desired that the bridge be repaired and widened; and that the double tracking the Sandwich, Windsor, and Amherstburg Railway proposed putting down on London street of itself necessitated a wider bridge. The company in opposing the application contended that there was no necessity for widening, and as the municipality desired a wider structure it should pay for it; and, also, that there was no power in the Board to order the widening of this bridge unless a case was made out on the ground of public safety.

The Board found as a fact that there was not sufficient traffic to warrant the widening of the bridge.

On the legal issue the Chief Commissioner in his reasons for judgment, dated May 9, 1916, expressed the view that it was similar to that considered in *Hamilton v. T. H. & B. Railway* (Board's file No. 24499) and referred also to *C. P. R. v. G. T. R.*, 49 S. C. R. 525, and *London v. London Street Railway* (Board's file No. 7264) and held, therefore, that the objections raised by counsel for the railway company could not prevail.

The company's responsibility was to maintain the bridge to meet present traffic requirements. The double tracking of the S. W. & A. Ry. Co. necessitated the widening of the bridge. An Order should, therefore, go authorizing the widening, and as the responsibility for maintenance was on the railway company, and as sooner or later the bridge, as a bridge, would have to be replaced, 65 per cent of the cost to be borne by the Canadian Pacific Railway and 35 per cent by the municipality or the S. W. & A. Ry. Co.

The street railway company was not a party to the application, and it was directed, therefore, that an opportunity be given that company to make what submissions, if any, it desired, on the question of costs.

LONDON AND PORT STANLEY RAILWAY VS. THE CITY OF LONDON.

By Order No. 23753, dated May 22, 1915, leave was given the London Railway Commission, operating the London and Port Stanley Railway, to take possession of, use, and occupy certain lands in the city of London belonging to the Grand Trunk Railway Company, and particularly described in the Order.

The Order was not acted upon, but at the hearing of the application to determine the compensation to be paid therefor, the Board suggested a temporary solution for the consideration of the parties. A modified plan submitted by the London Railway Commission carrying out the Board's suggestion was, upon the report of its Engineer, approved.

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On the question of compensation, the Chief Commissioner, in his judgment dated May 9, 1916, concurred in by Commissioner McLean, expressed the view that it was quite possible this point need never be considered. The London Railway Commission obtained no permanent rights in the lands of the Grand Trunk which were not required by it at the time for railway purposes, and which in all probability would not be required until such time as the work of elevation contemplated would be undertaken. The work of construction to be done by the London Railway Commission at their own expense.

MARITIME TELEGRAPH AND TELEPHONE COMPANY AND DOMINION ATLANTIC RAILWAY COMPANY
AND BAIRD AND CANADIAN PACIFIC RAILWAY COMPANY.

The Maritime Telegraph and Telephone Company applied for approval of plan and agreement showing the crossing of the Dominion Atlantic with overhead telephone wires, at the first highway crossing west of Port William Station from Halifax, N.S., and H. W. Baird, of Nakusp, B.C., applied for leave to cross under the tracks of the Nakusp and Slocan Subdivision of the C.P.R. with a four-inch stave water pipe at a point four miles from Nakusp.

Upon the general issue whether compensation should be allowed railways for use of their property or not, and the jurisdiction of the Board, the Chief Commissioner, on May 4, 1916, after referring to the pertinent sections of the Act, namely, 246 and 250, under which the applications were made, says in part:—

“The usual rule is, of course, that property shall not be taken or used under any enabling statute without payment of proper and sufficient compensation, unless the Act itself in clearest terms provides to the contrary.

“The Act does not provide for the confiscation of the property of railways or of others. Indeed, the matter of terms and conditions expressly left as they are to the determination of the Board, are quite sufficient to cover any question of compensation that the railway is entitled to.

“Regard, however, must be had to the actual conditions usually applying to applications of this kind.”

and points out, further, that railways stretching, as they do generally speaking, over the whole country, must of necessity be crossed by telephone wires and to a lesser extent by wires of power and light companies, and their tracks must also be crossed underground by sewer, water, and gas pipes. Railway companies, in application of the kind, do not obtain compensation for the use of their property. The issue usually is whether the crossing could properly and safely be made under the circumstances of the particular cases and whether the railway's use of its property was thereby lessened or endangered. The necessity for these crossings is recognized by the railways. It is difficult to determine the compensation, if any, the company should be allowed where wires are erected at such a height over its right of way as not to interfere with the railway's use and occupation.

The Chief Commissioner:—

“The practice of the Board has been to allow such crossings without compensation. The railway is not in any way injured by them. The Order merely creates an easement which can be cancelled or varied should occasion from time to time require it.

“In case of any real or appreciable injury or damage to the railway, or its property, the ordinary rule requiring compensation would, of course, apply.”

Re CANADIAN PACIFIC RAILWAY AND NEW YORK CENTRAL AND SUBURBAN TRAIN SERVICE
BETWEEN MONTREAL AND HIGHLANDS, QUEBEC.

By an Order of the Board, No. 24921, dated April 20, 1916, these railway companies were directed to stop their trains at Highlands as set forth in the Order.

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Complaints were made that as a result of this Order the New York Central was prevented from putting into effect its spring time-table. Order No. 24921 merely fixed the minimum service that Highlands should receive. It did not assume to cover traffic to other points, and there was nothing to prevent the company from augmenting the service if it so desired.

Held, Chief Commissioner Drayton, May 4, 1916, concurred in by Commissioner Goodeve, that the company should continue for the convenience of the public using its line, a service similar to that given during other summer seasons.

LONDON STREET RAILWAY AND GRAND TRUNK RAILWAY CROSSING AT LONDON.

The city of London applied for an Order directing the London Street Railway Company to lay and maintain a double track across the tracks of the Grand Trunk Railway at Richmond street in the city of London. In support of the application it was urged that a double track was necessary to protect the travelling public. The jurisdiction of the Board to make the Order was questioned, it being contended that under section 8 of the Railway Act, the Board only had to do with the connection of crossings from the standpoint of safety so far as the steam railway and its patrons were concerned, that the safety of the public travelling on the cars of the street railway was a question outside the jurisdiction of the Board.

Held, Chief Commissioner Drayton, in his considered judgment dated April 7, 1916, that under the provisions of the Railway Act the Board had jurisdiction to make the Order, and referred to sections 8, 227, 237, and 238.

It was found upon inspection that both south-bound and north-bound street cars were delayed an unusually long time as a result of the slow operation caused by the single track. Held, therefore, that a double track should be ordered.

Upon the question of costs which in view of the street railway company's financial position, the possibility of grade separation, and the relief obtained by the Order it was thought should be dealt with in a special way. The Grand Trunk Railway being senior, there was no suggestion that it should be called upon to contribute. Held, that the new diamonds required be supplied by the city; that the street railway be at the cost of double tracking its track to the rails of the Grand Trunk Railway, and pay the city the sum equivalent to 7 per cent on the expense the city is put to, so long as it operates over the Grand Trunk Railway tracks and uses the diamonds. The ownership of the diamonds to remain in the city.

IN *re* RAILWAY CROSSING SIGN POSTS AT RAILWAY CROSSINGS AT GRADE.

This was an application by the Brotherhood of Locomotive Firemen and Engineers for an order directing the railway companies subject to the Board's jurisdiction to erect railway crossing sign posts (mile whistle boards) at railway crossings at grade.

After hearing representatives of the men and the railway companies, the Board held that it should not interfere in the matter but should leave the railway companies free to maintain or discontinue the whistle boards if they saw fit, and the application was accordingly dismissed.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated April 6, 1916, concurred in by Deputy Chief Commissioner Nantel and Mr. Commissioner McLean.

APPLICATION OF CANADIAN PACIFIC RAILWAY CO. TO AMEND BOARD'S GENERAL ORDER NO 65.

This was an application made by the Canadian Pacific Railway Company to amend the Board's General Order No. 65 by adding to clause (c) of paragraph 8 of said Order a proviso that the provisions of the clause should not apply to structures adjacent to any side track, spur or siding on the opposite side of which there is a lateral clearance of at least six feet from the gauge-side of the nearest rail, or to structures

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adjacent to any side track, spur or siding on the opposite side of which there is a parallel track situate at a distance therefrom of at least thirteen feet from centre to centre of track.

The effect of this amendment would be to limit the protection of the train crew to one side of the train only, and it was pointed out that many cases would undoubtedly arise where operating signals could not be given from the side upon which the protecting space was provided.

The Board after giving the matter careful consideration decided that the Order should stand, and that the application should be dismissed.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated April 7, 1916, concurred in by the Deputy Chief Commissioner and Mr. Commissioner McLean.

TAYLOR COMPANY AND THE CANADIAN FLOUR MILLS COMPANY V. PERE MARQUETTE RAILWAY COMPANY.

Wheat was shipped from Goderich and Port McNicoll into Chatham where it was milled in complainants' mills and forwarded at the through rate plus the eastern charge of two cents per 100 pounds for milling-in-transit. Besides the through rate and the milling-in-transit charge the complainants had been subjected to a further charge by the Père Marquette for switching service from and to the transfer track and the complainants' mills. The complainants claimed that this switching charge should be absorbed by the Canadian Pacific Railway and contended that in any event the two charges were illegal and discriminatory against them and in favour of the mills situated on the Canadian Pacific Railway Company's tracks.

Judgment, Chief Commissioner, March 31, 1916, concurred in by Assistant Chief Commissioner Scott, and Commissioner Goodeve, was to the effect that there was no difference in principle between this case and the case of the Anchor Elevator and Northern Elevator Company against the Canadian Northern Railway (File No. 9816) in which the view is expressed that the Interswitching Order was not intended to apply and did not apply to terminals, and that it did not include milling in transit privileges; and that the carrier should not be required to absorb a portion of a switching charge; and that the one cent was a reasonable charge for the stop-over privileges there allowed.

Held, therefore, that transfer stop-over privileges and the work and expense incidental thereto do not include interswitching charges entailed by taking the traffic from the line of another railway company, and that the application must be dismissed.

Re MONTREAL & SOUTHERN COUNTIES TRAIN SERVICE TO EAST GREENFIELD PARK.

This was a complaint by the residents of East Greenfield Park, a village some distance south of the St. Lawrence river and approximately ten miles from the city of Montreal, for an improved service on the line of the Montreal & Southern Counties Ry. between their village and the city of Montreal.

Held that it was unreasonable for the company to have no trains stop at East Greenfield Park to bring people into the city between the hours of 8.16 a.m. and 3.18 p.m., and the Board directed that an Order should go that Train No. 131 should stop on flag at East Greenfield Park.

The Board also decided that in order that it might be able to determine whether the stop would be of much service, the company should be required to keep a record of the stops made during the first three months and report to the Board at the end of that time so that it might be able to determine whether the service should be continued.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated March 29, 1917, concurred in by Mr. Commissioner McLean.

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IN re TELEGRAPH TOLLS.

This was a complaint that the rates into and out of Winnipeg were excessive. The matter devolved into a general investigation of the level of telegraph rates west of the Great Lakes. The decision as rendered, after dealing with the costs of construction as submitted and consideration of the allegation of discrimination as between the section east of the lakes and that west held that statutory obligations held down the rates east of the lakes and further held that there should be revisions of the existing rate schedule. The existing 25-cent rate within any given zone was recognized as being of general acceptance and was continued.

It is the practice of the companies in the case of points located practically on the boundary lines of the sections to provide that these points shall be in both the sections divided by the boundary line, according as the rate is lower. Examples of this have been given in earlier connections. The same arrangement should be continued in the readjustment of the rate areas as directed.

As incidental to the handling of messages, the evidence is that the telegraph companies have provided for free delivery limits in practically all the cities of Canada. Rule 49 of the Canadian Pacific Tariff Book provides that "telegrams will be delivered free within what are considered the corporate limits of towns or villages. Beyond the free delivery limits only the actual cost of delivery service must be collected." The same regulation is to be found in Rule 73 of the Great North Western Tariff Book, and in Rule 61 of the Grand Trunk Pacific. The question to what extent delivery limits may be established is one which must be dealt with by the company, subject to its actions not being discriminatory.

Within sections 1, 2 and 3, there is a provision for a rate of 15 cents, day or night, applying within a distance of 12 miles. It is suggested that this arrangement be made general. The evidence is that this rate is not made use of and that it is in fact a paper rate. A paper rate is not a measure of unjust discrimination, and the question of whether the rate may be justifiably extended to other sections which show no evidence as to a traffic demand for it is a question of traffic expediency for the company to deal with; for the establishment of experimental rates to develop business is a matter which falls within the company's discretion. *British Columbia News Co. v. Express Traffic Ass'n*, 13 Can. Ry. Cas., 177.

In section A and section 1, the excess word rate is 1 cent; in all other sections it is 2 cents per word. The excess word rate in each section should be 1 cent.

As already set out, the rates in the territory embraced in Grand Trunk Pacific sections 4 to 11 are to be the same as those in the adjoining sections 4 to 11 of the Canadian Pacific territory, and the same excess word rates will therefore apply. In the case of messages from sections 2 or 3 into this territory and vice versa, and in similar movements as between sections 15 to 18, inclusive, and this territory, the excess word rates appropriate to the day rates provided for in the Grand Trunk Pacific tariffs may apply as maxima.

Where there is a movement between exclusive offices involving the carriage of a message over two lines, it is recognized that there are costs additional to those pertaining to a message handled by a single company between two points on its own system. At the same time, it is not reasonable that the sum of the full locals should be charged. The companies should, therefore, provide in their tariffs to cover such a movement over two lines or more than two lines if in such case there be through rates substantially less than the sum of the locals.

The section system is modified as to the transition from one section to another by the 100-mile rule. As provided for in the Canadian Pacific tariffs, this is that a higher rate than 25 and 2 — i.e., 2 cents per excess word — will not be charged between offices that are not more than 100 miles apart by wire mileage, no matter in what different sections these may be. This does not apply in the case of offices east of section 1. A similar arrangement is in existence in the case of the Great North

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Western, although it is not properly provided for by tariff. The Grand Trunk Pacific Telegraph tariffs carry the notation: "A higher rate than 25 and 2 will not be charged between offices that are not more than 100 miles apart (by wire)."

It is suggested that this distance should be increased to 250 miles. The 100-mile distance is something added to the rate section in order to ease the sharp transition from one section to another. It is a concession compared with what is done in freight rate practice; for while there in the case of rates grouped on producing points the attempt is made to have the group rates break between producing points, none the less there is the sharp transition from group to group which is inseparable from the difference in rate. The same thing is presented in any freight tariff where there is a mileage grouping basis, the rate advancing by groups of miles. The 100-mile rule is a reasonable concession to meet this situation in telegraphic transmission, and an addition to it at present is not justified. The arrangement as at present provided for is reasonable and should be continued.

Night rates cover telegrams filed before midnight to be transmitted some time during the night at the convenience of the telegraph company, and delivered in the morning.

The deferred message service thus carried on has a lower basis than that of the day message, but is related to it.

While there is a convenience to the sender because of the lower rate basis, there are also advantages to the company. There tends to be an additional volume of business attracted by the rates so offered; and in addition it enables a more economical utilization of the company's operating staff since it is able to distribute the burden during both day and night.

It was stated by Mr. Camp, in evidence, that the practice of having night rates had existed, so far as his company was concerned, ever since the Canadian Pacific Telegraph department had been in existence.

The Canadian Pacific gives detail for rate groups advancing by 5, 10 and 15-cent steps. For purposes of summary presentation the 25, 30, 40, 50, 60, 75 cents and \$1 rate may be taken. To this may be added a \$1.25 rate to cover the extreme range within Canada of the Grand Trunk Pacific telegraphs. The rates for night rates and for night lettergrams are as follows:—

Where day rate is.	Night rate is.		Night lettergram is First 50 words.	Each additional 10 words or less.
25—1	25—1	}	25	.05
25—2	25—1			
30—2	25—1			
40—3	30—2	.. .. .	40	.08
50—3	30—2	.. .. .	50	.10
60—4	50—3	.. .. .	60	.12
75—5	60—4	.. .. .	75	.15
1.00—7	75—5	.. .. .	1.00	.20
1.25—8	1.00—7	.. .. .	1.25	.25

In the case of the Canadian Pacific, the Great North Western and the Grand Trunk Pacific each company has night rates applicable between offices on its respective system. The Great North Western has night rates between all its offices and those of the Western Union. In general, the night rate message has the same word basis as the day rate message, viz., 10 words. Attention was drawn to the fact that in section 1 and in the Maritime Provinces 25 words can be sent at night for the day rate, while in the other sections 10 words can be sent. As, however, as pointed out in the next paragraph, there are in these other sections, as in the sections in question, night lettergram arrangements whereby 50 words may be sent for the day rate, it does not appear necessary to follow this phase of the matter further.

There has come into existence of recent years the night lettergram arrangement whereby a deferred message service of greater volume, catering especially to business

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needs, is available. The Canadian Pacific tariff books provide that night lettergrams may be accepted for all checked direct offices in Canada and the United States, i.e., all Canadian Pacific offices in Canada and all Postal Telegraph Offices in the United States. The Great North Western will accept night lettergrams for points on its own lines and for points on the lines of the Western Union. It also accepts such messages for "other line" offices. From a check, it appears that this covers practically all "other line" points in Canada. The Grand Trunk Pacific has night lettergram rates between all offices on its system.

It does not appear that there is any such condition existing as to require at present any specific direction being made.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated March 28, 1916, concurred in by Assistant Chief Commissioner Scott and Mr. Commissioner Goodeve, and in concurring judgment of Chief Commissioner Drayton, dated March 29, 1916, in which *inter alia* he agrees that the route and financial conditions disclosed do not justify the Board in adopting the size of the section in question as the standard for the whole rate structure.

SEPARATION OF GRADES AT BELLEVILLE ROAD CROSSING, C.N.R., NAPANEE, ONT.

Held that the condition of the highway crossing would not warrant the separation of grades at this point; that while the subway would add materially to the safety of the traffic on the highway, the cost of the same would be excessive, and the Board would not be justified, under the circumstances, in placing a substantial part of the cost on the town of Napanee, and as there is no other available source of revenue to defray the cost of the work, the Board decided that under existing conditions the crossing should remain as it is at least for the present.

The facts are all fully set out in the judgment of Assistant Chief Commissioner Scott, dated March 26, 1917, concurred in by Mr. Commissioner McLean.

Re INTERCHANGE TRACKS AT BELLEVILLE, ONT.

The Board had already decided in a previous case that there must be interchange of traffic at Belleville between the G.T.R., C.P.R., and C.N.R. companies, and the matter of suitable interchange facilities between each of these companies as the result thereof came up for consideration.

The Board directed that an Order should go for the approval of the interchange tracks as shown on the plan filed with it by the C.P.R. Company, the work to be completed by May 1, 1917, and that the Order should contain a clause setting out that where traffic is between Belleville and a shipping point or destination common to the railway companies concerned, or any two of them, where interswitching facilities are provided, the company upon whose line, including private sidings tributary thereto, the traffic is loaded, should be entitled to the line haul and the privilege of effecting the required delivery on the line of the other company by means of interswitching at destination, provided that the said company can afford facilities and privileges equal to those of the competing carrier at no greater charge.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated March 26, 1917, concurred in by Mr. Commissioner McLean.

INCREASE OF EXPRESS DELIVERY LIMITS IN TORONTO.

It appeared that the express companies doing business in Toronto voluntarily established the practice of free delivery of express parcels in that city many years before the Railway Board was established, and that the original limits had been from time to time extended either by the express companies of their own motion, or by Order of the Board.

It also appeared that the present delivery limits did not follow the municipal boundaries, and were not based on any principle of mileage from a central distributing

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office, nor were they arranged on density of population, and that at present sections of the city were without a service and were unjustly discriminated against.

The Board directed that an Order should go defining the free service and the toll service areas and stating that the new arrangements would become effective on May 1, 1917.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated March 23, 1917, concurred in by Chief Commissioner Drayton and Mr. Commissioner McLean.

Re DEMURRAGE CHARGES ON PRIVATELY OWNED CARS ON PRIVATE SIDINGS.

This was an application of the Nichols Chemical Co., Ltd., Toronto, who owned a number of private cars specially constructed for the transportation of acids. Rule 12 of the Canadian Car Service Rules cited as follows: "When both cars and tracks are owned by the same private party, no car service tolls shall be charged."

It appeared that the cars in question were not owned by the consignee, and, therefore, were not exempt, under this rule, from the usual demurrage charges, and it was directed that the parties be informed that Rule 12 did not exempt the consignees of the Chemical Co. from the payment of demurrage.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, dated March 10, 1916, concurred in by Deputy Chief Commissioner Nantel and Mr. Commissioner Goodeve.

APPENDIX "B."

REPORT OF CHIEF TRAFFIC OFFICER, J. HARDWELL.

SIR,—I have the honour to submit, for the Twelfth Annual Report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour car schedules filed with the Board from November 1, 1904, when, by order of the Board, under the authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to March 31, 1916; and from April 1, 1916, to March 31, 1917, inclusive; also, of the more important orders relating to traffic issued by the Board to March 31, 1917:—

SCHEDULES received from November 1, 1904, to and including March, 31, 1916:—

Freight—			
Local tariffs.. . . .	9,666		
Supplements.. . . .	21,202		
		30,868	
Joint tariffs.. . . .	21,524		
Supplements.. . . .	62,454		
		83,978	
International tariffs.. . . .	91,337		
Supplements.. . . .	274,163		
		365,500	
Passenger—			480,346
Local tariffs.. . . .	9,345		
Supplements.. . . .	11,052		
		20,397	
Joint tariffs.. . . .	6,147		
Supplements.. . . .	10,641		
		16,788	
International tariffs.. . . .	15,056		
Supplements.. . . .	26,553		
		41,609	
Express—			78,794
Local tariffs.. . . .	4,923		
Supplements.. . . .	52,132		
		57,055	
Joint tariffs.. . . .	3,660		
Supplements.. . . .	12,036		
		15,696	
International tariffs.. . . .	1,768		
Supplements.. . . .	961		
		2,729	
Telephone—			75,480
Local tariffs.. . . .	968		
Supplements.. . . .	1,048		
		2,016	
Joint tariffs.. . . .	2,251		
Supplements.. . . .	6,310		
		8,561	
International tariffs.. . . .	428		
Supplements.. . . .	6,630		
		7,058	
Sleeping and Parlor Car—			17,635
Local tariffs.. . . .	65		
Supplements.. . . .	75		
		140	
Joint tariffs.. . . .	36		
Supplements.. . . .	73		
		109	
International tariffs.. . . .	61		
Supplements.. . . .	193		
		254	
Telegraph—			503
Tariffs.. . . .	102		
Supplements.. . . .	112		
		214	
			214
Combined totals, all schedules.. . . .			652,972

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SCHEDULES received from April 1, 1916, to and including March 31, 1917:—

Freight—			
Local tariffs.. . . .	1,021		
Supplements.. . . .	2,002		
		3,023	
Joint tariffs.. . . .	3,860		
Supplements.. . . .	7,183		
		11,043	
International tariffs.. . . .	11,718		
Supplements.. . . .	24,696		
		36,414	
			50,480
Passenger—			
Local tariffs.. . . .	1,283		
Supplements.. . . .	1,791		
		3,074	
Joint tariffs.. . . .	1,147		
Supplements.. . . .	1,915		
		3,062	
International tariffs.. . . .	1,661		
Supplements.. . . .	4,552		
		6,213	
			12,349
Express—			
Local tariffs.. . . .	123		
Supplements.. . . .	615		
		738	
Joint tariffs.. . . .	330		
Supplements.. . . .	522		
		852	
International tariffs.. . . .	405		
Supplements.. . . .	237		
		642	
			2,232
Telephone—			
Local tariffs.. . . .	79		
Supplements.. . . .	55		
		134	
Joint tariffs.. . . .	25		
Supplements.. . . .	836		
		861	
International tariffs.. . . .	1		
Supplements.. . . .	1,274		
		1,275	
			2,270
Sleeping and Parlor Car—			
Local tariffs.. . . .	16		
Supplements.. . . .	27		
		43	
Joint tariffs.. . . .	9		
Supplements.. . . .	24		
		33	
International tariffs.. . . .	49		
Supplements.. . . .	108		
		157	
			233
Telegraph—			
Tariffs.. . . .	32		
Supplements.. . . .	32		
		64	
			64
Combined totals, all schedules.. . . .			67,628
Grand total.. . . .			720,600

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SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED
DURING THE YEAR ENDED MARCH 31, 1917.

No. 24862, April 4, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and La Compagnie de Téléphone St. Ours, Limitee, operating in the counties of Richelieu, St. Hyacinthe and Verchères, province of Quebec.

No. 24865, April 4, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Malahide and Bayham Telephone Association, Limited, operating in the counties of Elgin and Oxford, province of Ontario.

No. 24767, April 11, 1916.—Approves a form of release and power of attorney to be signed by physicians and others who desire, for special reasons, to travel on the freight trains and in the baggage cars of the Toronto, Hamilton and Buffalo Railway Company.

No. 24909, April 18, 1916.—Empowers the London and Lake Erie Railway and Transportation Company to sell its passenger tickets to points on or via the Michigan Central Railroad.

No. 24917, April 22, 1916.—Approves a form of release and power of attorney to be signed by physicians and others who desire, for special reasons, to travel on the freight trains and in the baggage cars of the Grand Trunk Railway Company of Canada.

No. 24922, April 26, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the corporation of the township of Dawn, operating in the counties of Lambton and Kent, province of Ontario.

No. 24938, April 25, 1916.—Amends order No. 19570, dated June 13, 1913, by making an allowance of 500 pounds in weight when slats are furnished by shippers in refrigerator cars not equipped with false floors for the carriage of carload shipments of fruit.

No. 24948, May 6, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Kemble-Sarawak Telephone Company, Limited, operating in the county of Grey, province of Ontario.

No. 24976, May 15, 1916.—Prescribes regulations for the handling of fruit from Jordan, Ontario, by the Canadian Express Company.

No. 24977, May 15, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Palace Road Telephone Company, Limited, operating in the county of Lennox and Addington, province of Ontario.

No. 24994, May 22, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and La Cie de Téléphone Local de Wotton, operating in the county of Wolfe, province of Quebec.

No. 25025, May 31, 1916.—Approves a form of release and power of attorney to be signed by physicians and others who desire, for special reasons, to travel on the freight trains and in the baggage cars of the Grand Trunk Pacific Railway Company.

No. 25050, June 10, 1916.—Requires the Grand Trunk Railway Company to inter-switch cars between its team tracks and the London and Port Stanley Railway at London, Ont., under an agreement made between the companies in 1870.

No. 25055, June 12, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Dunsford Telephone, Light and Power Co-operative Association, Limited, operating in the county of Victoria, province of Ontario.

No. 25056, June 12, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Cameron Telephone Union, operating in the county of Victoria, in the province of Ontario.

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No. 25057, June 12, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Highland Telephone Company, Limited, operating in the counties of Simcoe and Dufferin, province of Ontario.

No. 25058, June 12, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the corporation of the township of MacDonald and Meredith, operating in the district of Algoma, province of Ontario.

No. 25059, June 12, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the corporation of the village of Coldwater, operating in the county of Simcoe, province of Ontario.

No. 25060, June 12, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Pleasant Valley Telephone Association, operating in the county of Lennox and Addington, province of Ontario.

No. 25061, June 12, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the corporation of the township of Goderich, operating in the county of Huron, province of Ontario.

No. 25074, June 9, 1916.—Requires the Canadian Pacific Railway to accept live stock from the Canadian Northern Railway and to switch same to the east end cattle market, Montreal, at a charge of \$5 per car.

No. 25087, June 19, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Hawley Telephone Association, operating in the county of Lennox and Addington, province of Ontario.

No. 25088, June 20, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the corporation of the township of Mersea, operating in the county of Essex, province of Ontario.

No. 25089, June 19, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Hopetown Telephone Company, Limited, operating in the county of Lanark, province of Ontario.

No. 25098, June 23, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Mink Lake Rural Telephone Company, Limited, operating in the county of Renfrew, province of Ontario.

No. 25106, June 26, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Rosedale and Rural Telephone Company, operating in the county of Frontenac, province of Ontario.

No. 25124, July 3, 1916.—Approves Standard Maximum Mileage Freight Tariff C.R.C. No. 20 of the Edmonton, Dunvegan and British Columbia Railway Company.

General Order No. 167, July 3, 1916.—Permits the railway companies, owing to increased operating expenses, to make certain increases in their freight rates in Eastern Canada.

No. 25205, July 26, 1916.—Prescribes a minimum load of 30,000 pounds for lumber loaded in cars of a capacity of 2,050 cubic feet or less, from Pacific Coast and Interior mills to points east.

No. 25226, July 31, 1916.— Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the South Crosby Rural Telephone Company, Limited, operating in the county of Leeds, province of Ontario.

No. 25230, August 1, 1916.—Permits railway companies in Western Canada to make certain increases in their distributing freight rates from Winnipeg, Portage la Prairie, and Brandon, so as to conform to the basis laid down in the Judgment of the Board in the Western Rates Case, dated April 6, 1914.

No. 25232, July 31, 1916.—Requires the Great North Western Telegraph Company to restore the telegraph tolls charged prior to July 1, 1916, from Le Pas, Man.

No. 25248, August 2, 1916.—Approves Supplement No. 8 to Express Classification for Canada No. 3.

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No. 25261, August 11, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Bethesda and Stouffville Telephone Company, Limited, operating in the counties of York and Ontario, in the province of Ontario.

No. 25279, August 14, 1916.—Amends the Express Classification so as to provide for the carriage of fruit in lino-covered baskets.

No. 25285, August 18, 1916.—Authorizing the Grand Trunk and Canadian Pacific Railways to charge special tolls for detention to through cars containing western lumber and forest products at Sarnia, Ont., and Cartier, Ont.

No. 25298, August 19, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Rydal Bank Telephone System operating in the district of Algoma, province of Ontario.

No. 25306, August 21, 1916.— Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Halton Telephone Company, Limited, operating in the county of Halton, province of Ontario.

No. 25311, August 21, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Blind Line Telephone Company, Limited, operating in the county of Grey, province of Ontario.

No. 25343, September 1, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Westport Rural Telephone Company, Limited, operating in the counties of Leeds, Frontenac and Lanark, province of Ontario.

No. 25344, September 1, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the township of Monck, operating in the district of Muskoka, province of Ontario.

No. 25345, September 1, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the township of Watt, operating in the district of Muskoka, province of Ontario.

No. 25348, September 1, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Leeds and Frontenac Rural Telephone Company, Limited, operating in the counties of Leeds and Frontenac, province of Ontario.

No. 25437, September 20, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Pleasant View Telephone Company, Limited, operating in the county of Grey, province of Ontario.

No. 25447, September 19, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Zion Line Telephone Association, Limited, operating in the county of Renfrew, province of Ontario.

No. 25448, September 19, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Omemee Telephone Company, Limited, operating in the counties of Victoria and Durham, province of Ontario.

No. 25457, September 22, 1916.—Approves standard Maximum Mileage Freight Tariff C.R.C. No. 1113 of the Toronto, Hamilton and Buffalo Railway Company.

No. 25464, September 25, 1916.—Prescribes a joint rate of 47 cents per ton on coal from the Niagara frontier to Thorold and St. Catharines over the Michigan Central Railroad and Niagara, St. Catharines and Toronto Railway.

No. 25496, October 3, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Mount Horeb Telephone Association, operating in the county of Grey, province of Ontario.

No. 25506, October 3, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Jackson Telephone Association, operating in the county of Grey, province of Ontario.

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No. 25507, October 6, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Clavering Telephone Association, operating in the counties of Grey and Bruce, province of Ontario.

No. 25551, October 20, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Union Telephone Company, Limited, operating in the county of Wellington, province of Ontario.

No. 25561, October 20, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Shamrock and Renfrew Telephone Association, operating in the county of Renfrew, province of Ontario.

No. 25563, October 25, 1916.—Approves Standard Maximum Mileage Freight Tariff C. R. C. 1244 between stations on the lines of the Great Northern Railway in British Columbia.

General Order No. 173, October 26, 1916 (Corrected).—Prescribes tolls for the use of heated refrigerator cars between Eastern and Western Canada.

No. 25570, October 27, 1916.—Authorizes the construction of an interchange track by the Lake Erie and Northern Railway for the forwarding and delivering of traffic between its railway and the Toronto, Hamilton, and Buffalo and Grand Trunk Railways at Brantford, Ontario.

No. 25575, October 27, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Massey Station Telephone Company, Limited, operating in the district of Algoma, province of Ontario.

No. 25576, October 27, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Millbrook Rural Telephone Company, Limited, operating in the counties of Durham and Northumberland, province of Ontario.

No. 25577, October 27, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Ardtrea Telephone Association, operating in the county of Simcoe, province of Ontario.

No. 25578, October 27, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Department of Lands, Forests and Mines for province of Ontario, operating from the village of Kearney to several points in Algonquin Provincial park, district of Nipissing, province of Ontario.

No. 25582, October 30, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Wilberforce Rural Telephone Company, Limited, operating in the county of Renfrew, province of Ontario.

No. 25584, October 25, 1916.—Approves Standard Maximum Mileage Freight Tariff C. R. C. No. 1251, between stations on the lines of the Great Northern Railway in British Columbia.

No. 25619, November 11, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the North Cavan Rural Telephone Company, Limited, operating in the county of Durham, province of Ontario.

No. 25630, November 15, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Wolford Rural Telephone Company, Limited, operating in the counties of Grenville and Lanark, province of Ontario.

No. 25636, November 16, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Dore Bay Telephone Company, Limited, operating in the county of Renfrew, province of Ontario.

No. 25656, November 23, 1916.—Requires the Grand Trunk, Canadian Pacific and Canadian Northern Railways to publish joint merchandise tariffs in the territory between Toronto and Montreal on the basis of 2 cents per 100 pounds, first class freight over the former cancelled rates.

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No. 25662, November 24, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Canadian Explosives, Limited, operating in its factory of Nobel, with lines extending to its different departments, in the district of Parry Sound, province of Ontario.

No. 25664, November 24, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Parkhill Rural Telephone Company, Limited, operating in the county of Middlesex, province of Ontario.

No. 25667, November 27, 1916.—Requires the Grand Trunk, Canadian Pacific and Canadian Northern Railways to publish special commodity rates on white lead, in carloads, from Montreal to points in Eastern Canada where paint is manufactured.

No. 25681, November 28, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Mallorytown Telephone Company, Limited, operating in the county of Leeds, province of Ontario.

No. 25687, November 28, 1916.—Approves Supplement No. 8 to Canadian Freight Classification No. 16.

No. 25698, December 4, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Sandwich West Co-operative Telephone Association, operating in the county of Essex, province of Ontario.

No. 25699, December 4, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the East Middlesex Telephone Company, Limited, operating in the counties of Middlesex, Oxford, and Perth, province of Ontario.

No. 25704, December 7, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Mississippi Telephone Company, Limited, operating in the county of Lanark, province of Ontario.

No. 25735, December 18, 1916.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the South McNaughton Telephone Company, Limited, operating for the county of Renfrew, province of Ontario.

No. 25737, December 20, 1916.—Approves Standard Maximum Mileage Freight Tariff C.R.C. No. 23, of the Moncton and Buctouche Railway.

No. 25749, December 21, 1916.—Prescribe telephone tolls for subscribers on Toronto Island during the summer season.

General Order No. 174, December 23, 1916.—Permits increased demurrage tolls by railways in Canada between January 1 and April 30, 1917, with the object of lessening general traffic congestion.

General Order No. 175, December 26, 1916.—Permits increased tolls for demurrage and track storage on grain and lumber held in transit at Cartier, Sarnia, Capreol and North Bay, Ont., for the period from January 1, 1917, to April 30, 1917.

General Order No. 176, December 26, 1916.—Requires railway companies, from October 15 to March 31 in every year, to furnish all available cars for coal shipments, and where the movement is over more than one railway the car to be furnished by the company obtaining the long haul, or if such company is unable to do so, the company obtaining the short haul to supply the car, and to receive a special per diem compensation of \$1.25 per car.

No. 25754, December 27, 1916.—Refuses an application of the Great North Western Telegraph Company for an increase in the charge per word for messages of over ten words in eastern Canada, pending decision by the Supreme Court as to the effect of Acts relating to the Montreal Telegraph Company.

No. 25761, December 28, 1916.—Requires the Canadian Pacific Railway to continue in effect on its western lines special mileage rates on forest products for distances over 500 miles.

No. 25780, January 3, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Fallis Line Telephone Company, Limited, operating in the county of Durham, province of Ontario.

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No. 25797, January 10, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the township of Hay, operating in the county of Huron, province of Ontario.

General Order No. 177, January 10, 1917.—Requires tariffs of freight rates from points in the United States to points in Canada to provide that the rates, unless specifically indicated as being competitive, will apply to intermediate points in Canada not mentioned therein by name.

No. 25816, January 23, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Back Line Telephone Association, operating in the county of Dufferin, province of Ontario.

No. 25817, January 23, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Dereham Telephone Company, Limited, operating in the counties of Oxford and Elgin, province of Ontario.

No. 25818, January 23, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the township of Medonte, operating in the county of Simcoe, province of Ontario.

No. 25819, January 23, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Norfolk and Tillsonburg Telephone Company, Limited, operating in the counties of Norfolk and Elgin, province of Ontario.

No. 25826, January 24, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Falkirk Telephone Company, Limited, operating in the county of Middlesex, province of Ontario.

No. 25827, January 23, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the township of Tay (operating the North River Municipal Telephone System), in the county of Simcoe, province of Ontario.

No. 25828, January 24, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the corporation of the township of Harvey, operating in the county of Peterborough, province of Ontario.

General Order No. 180, January 30, 1917.—Approves Supplement No. 10 to Express Classification for Canada No. 3.

No. 25846, February 2, 1917.—Requires the Canadian Pacific to publish a tariff putting into effect a rate of \$3.04 per net ton on feldspar from Maberley, Ont., to East Liverpool, Ohio.

No. 25859, February 6, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Cavan Rural Telephone Company, Limited, operating in the county of Durham, province of Ontario.

No. 25861, February 10, 1917.—Enjoins the Grand Trunk Railway Company from charging a greater rate on lumber from Midland, Ont., to Cleveland, Ohio, than it concurrently charges from Penetang, Ont., to the same destination.

No. 25864, February 12, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Beckwith and Montague Rural Telephone Company, operating in the county of Lanark, province of Ontario.

No. 25877, February 16, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the E. J. Graham private telephone line, owned and controlled by the Riordan Pulp and Paper Company, Limited, operating in the county of Terrebonne, province of Quebec.

No. 25879, February 19, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Saugeen Rural Telephone Company, Limited, operating in the county of Bruce, province of Ontario.

No. 25891, February 15, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the East Luther Telephone Company, Limited, operating in the county of Dufferin, province of Ontario.

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General Order No. 183, February 24, 1917.—Extends to express companies the provisions of General Order No. 14 (Order No. 5117), dated July 30, 1908, permitting the filing of certain tariffs by joint agents under power of attorney.

No. 25903, February 26, 1917.—Approves Standard Maximum Mileage Freight Tariff C.R.C. No. 361 of the Essex Terminal Railway Company.

No. 25924, March 6, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Silver Creek Telephone Association, operating in the county of Bruce, province of Ontario.

No. 25925, March 6, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Snake River Telephone Association, operating in the county of Renfrew, province of Ontario.

No. 25926, March 6, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Metcalfe Rural Telephone Company, Limited, operating in the county of Carleton, province of Ontario.

No. 25941, March 16, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the South Diagonal Telephone Association, operating in the county of Grey, province of Ontario.

No. 25942, March 16, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Upper Admaston Telephone Company, Limited, operating in the county of Renfrew, province of Ontario.

No. 25943, March 16, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Udney Telephone Company, Limited, operating in the county of Ontario, province of Ontario.

No. 25944, March 16, 1917.—Approves Standard Maximum Passenger Fare of four cents per mile on Canadian Northern Brazeau Subdivision west of Tannis, Alta.

No. 25954, March 22, 1917.—Prescribes express delivery limits in the city of Trail, B.C.

No. 25956, March 22, 1917.—Permits railway companies to charge \$3 per car for lining cars for the carriage of flaxseed in bulk.

General Order No. 184, March 22, 1917 (amending Order No. 8860).—Requires railway companies to make the following allowances for grain doors at and west of Fort William: Lower car door, \$1.50, upper car door, 75 cents.

No. 25960, March 23, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Flos, operating in the county of Simcoe, province of Ontario.

No. 25968, March 26, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Evergreen Telephone Company, Limited, operating in the county of Renfrew, province of Ontario.

No. 25973, March 27, 1917.—Approves Standard Maximum Passenger Fare of four cents per mile on the Canadian Northern Railway Company's branch lines in British Columbia.

General Order No. 185, March 30, 1917.—Reduces the Freight Classification ratings for carload shipments of veneers.

No. 25976, March 30, 1917.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Eastern Townships Telephone Company, Limited, operating in the counties of Richmond, Compton, Stanstead, Shefford, Drummond and Arthabaska, province of Quebec.

No. 25980, March 30, 1917.—Requires the construction of an interchange track between the Grand Trunk, Canadian Pacific and Canadian Northern Railways at Belleville, Ont.

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APPENDIX "C."

REPORT OF CHIEF OPERATING OFFICER, GEO. SPENCER.

OTTAWA, June 16, 1917.

DEAR SIR,—I have the honour to submit herewith, for the Board's 12th Annual Report, a synopsis of the work performed by its Operating Department during the year ending March 31, 1917.

THE REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE.

During the year, accidents to the number of 1,718, covering 383 persons killed and 1,693 persons injured, were reported to the Board by the various railway companies under its jurisdiction. For particulars, the reader's attention is directed to statements Nos. 1, 3, and 4.

Out of the total of 1,718 accidents reported, as above referred to, accidents to the number of 694, covering 228 persons killed and 628 persons injured, were inquired into.

It will be observed that out of a total of 383 persons killed and 1,693 injured, there were "trespassers" to the number of 129 killed and 79 injured. In this connection, reference is made to statement No. 12.

A perusal of statements Nos. 2, 5, and 6, which are comparative statements of the killed and injured, as between passengers, employees, and others, class of accident and railways, reveals an increase of 46 persons killed and 568 persons injured over the preceding year.

The matter of highway crossing accidents during the past year is set out in detail in statements Nos. 3, 4, and 7.

As to the protection provided at highway crossings during the year, reference is made to statements Nos. 8 and 9.

Attention is directed to statements Nos. 10 and 11, setting out in detail the situation as regards highway-crossing accidents during the past five years. It will be observed therefrom that there has been a total of 556 accidents, covering 252 persons killed and 477 persons injured. There have been 151 accidents at protected crossings, covering 66 persons killed and 122 persons injured. At unprotected crossings there have been 415 accidents, covering 186 persons killed and 355 persons injured. It is pointed out that the number of accidents at highway crossings, wherein automobiles are concerned, is on the increase. A close perusal of statement No. 11 will show that, during the past five years, there have been 86 such accidents, 5 in 1913, 17 in 1914, 13 in 1915, 15 in 1916, and 36 in 1917.

INSPECTION OF SAFETY APPLIANCES ON FREIGHT CARS, AND LOCOMOTIVES.

The work coming under this heading is carried on under the provisions of section 264 of the Railway Act, and the Board's General Order No. 102. Details of the year's work are to be found in the subjoined statements Nos. 15, 16, and 17-A and B. It is obvious that the inspection of some 58,000 cars, with the discovering of defects

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totalling 3,495, entails considerable effort both as regards field work and the resultant filing, checking, and recording of the numerous reports, in addition to correspondence necessary in taking up the various defects with the several railway companies.

INSPECTION OF MOTIVE POWER.

This division of the work embraces the entire locomotive and tender and all parts and appurtenances thereof, and is carried on under sections 264-266 and 267 of the Railway Act, and the Board's General Orders Nos. 12, 31, 66, 78, 102, 107, 131, and 171.

Special mention might, perhaps, be made regarding General Order No. 78, commonly known as the Boiler Inspection order. Under the said order, report forms, comprising the result of monthly and annual inspections of locomotive boilers and their appurtenances, to the number of approximately 60,000 have been filed during the year. The checking and reporting of the said reports and transmitting to the railway companies defective or improper conditions reported by our Inspectors, and in addition the correspondence relative thereto, naturally creates an extensive line of work, both as regards field and office.

During the year, locomotives to the number of 6,890 were inspected, out of which 1,210 were found defective, representing 17.56 per cent. In the majority of cases the defects were promptly remedied on attention being called to them, which indicates that, with a few exceptions, the responsible officials are diligent in their efforts to comply with the requirements of the law.

The number of applications for extending of time for removal of flues, as provided for in rule 5 of General Order No. 78, have been very limited, amounting to, perhaps, a dozen or more. The applications were granted in nearly every case as the examinations on the part of our inspectors substantiated the material as filed by the companies with their applications.

Attention is now directed to the fifth, on page 2, and last headings of statement No. 4. These headings reveal the fact that 7 employees were killed and 120 employees injured during the year. The number of investigations made into accidents under the said headings numbered 39, covering 4 killed and 35 injured. It will be observed that quite a number of accidents of this character were not investigated for the reason that they were more or less trivial and due to lack of prudence on the part of the employees concerned.

The number of personal casualties resulting from the failure of locomotive boilers and their appurtenances were, it is gratifying to state, very limited, totalling 1 killed and 9 injured as indicated by the following summary:—

	Injured.	Killed.
<i>Canadian Northern—</i>		
July 19th, engine 2165, Wash out plug..	1	
Oct. 14th, " 1386, Squirt hose..	1	
Oct. 18th, " 2120, Water glass..	1	
Nov. 15th, " 2082, Tube burst..	1	
Dec. 23rd, " 2436, Water glass..	1	
<i>Grand Trunk—</i>		
Aug. 20th, engine 2023, Squirt hose..	1	
<i>Michigan Central—</i>		
Sept. 6th, engine 7565, Tube burst..	1	
<i>Père Marquette—</i>		
July 28th, engine 605, Tube burst.. . . . .	..	1
<i>Canadian Pacific—</i>		
Jan. 19th, engine 3837, Crown sheet..	1	
Feb. 17th, " 871, Crown sheet..	1	
Total..	9	1

It is pointed out that the two crown sheet failures were the result of low water, no contributing causes being found.

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A perusal of the last heading on page 3 of statement No. 4 and the first heading on page 4 of the same statement show that one employe was killed and thirteen injured account falling off of tender while taking coal and water. In this connection reference is made to general orders Nos. 171 and 172 which require locomotives to be equipped with hand railings and foot rests, and the tenders to be equipped with hand railing.

INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES.

The work under this heading is carried on by the inspectors while en route taking up various other matters, and has to do with the features of safety, cleanliness, accommodation, etc. Numerous matters have been brought to the attention of the proper officers with good results.

APPLICATIONS AND COMPLAINTS *re* TRAIN AND STATION SERVICE.

A large part of the work of the department is the inquiring into applications and complaints in the matter of train and station service. These number several hundred, and will be found enumerated in an appendix prepared by the Secretary's Department.

It might not be amiss to point out that a great deal of work which would come under this heading was done in connection with the movement of the Western Grain Crop, and also in connection with the fuel situation in Eastern Canada. Difficulties in transportation were brought about very materially by extremely cold and stormy weather.

The time of the Operating Department's staff was taken up with both these subjects more or less continuously from November till March.

In conclusion, it might be stated that in order to accomplish the work briefly outlined above, it has necessitated the travelling of approximately 350,000 miles by the staff of the department.

STATEMENT No. 1.—Showing the number of Passengers, Employees and other Persons Killed and Injured on the various railways in Canada, under the Board's jurisdiction, for the year ending March 31, 1917.

Name of Railway.	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	4	53	42	396	68	100	114	549
Canadian Pacific.....	11	162	73	91	77	72	161	325
Canadian Northern.....		26	15	262	20	30	35	318
Michigan Central.....		6	9	200	8	7	17	213
Grand Trunk Pacific.....		23	8	26	4	3	12	52
Niagara, St. Catharines and Toronto.....			2	1	5		7	1
Pere Marquette.....		2	3	29	2		5	31
Toronto, Hamilton and Buffalo.....				54	5	5	5	59
Quebec, Montreal and Southern.....				6		1		7
Dominion Atlantic.....			1	4	2		3	4
Winnipeg Joint Terminals.....				1	2		2	1
Esquimalt and Nanaimo.....				1		1		2
Montreal and Southern Counties.....		2	1	3	1		2	5
Temiscouata.....				1				1
Algoma Central and Hudson Bay.....		2		1	1	1	1	4
Midland.....				1				1
Hamilton Radial Electric.....						1		1
Algoma Eastern.....					1		1	
Red Mountain.....						1		1
Lake Erie and Northern.....				6		2		8
Quebec Light and Power.....					1		1	
London and Port Stanley.....					1		1	
New York Central.....		1		5	2	3	2	9
Vancouver and Lulu Island.....					1		1	
Ottawa and New York.....				1				1
London and Lake Erie.....	1						1	
Vancouver, Victoria and Eastern.....		2		40	2	1	2	43
Boston and Maine.....			1	4	2	2	3	6
Halifax and Southwestern.....				12		1		13
Hull Electric.....					1	3	1	3
Wabash.....		1		29	6	5	6	35
	16	280	155	1,174	212	239	383	1,693

STATEMENT No. 2.—A comparative statement of Killed and Injured between years ending March 31, 1916 and 1917.

	Passengers.		Employed.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Year ending March 31, 1916.....	17	140	120	788	200	197	337	1,125
Year ending March 31, 1917.....	16	280	155	1,174	212	239	383	1,693
Increase over 1916.....		140	35	386	12	42	46	568
Decrease over 1916.....	1							

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STATEMENT No. 3.—Showing separately the number of Passengers, Employees, and others Killed and Injured, and the nature of the accidents, for the year ending March 31, 1917.

Character of Accidents.	Passengers.		Employed.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	1	175	8	58	1	1	10	234
Collision head-on.....		19	2	20	4	6	6	45
Collision rear-end.....	5	14	11	28			16	42
Collision in yard.....			3	12		1	3	13
Collision with cars standing foul of main track.....			2	5			2	5
Collision with cars account open switch.....		10		5				15
Collision at level crossing.....		9		5	2	8	2	22
Public highway crossing protected by gates.....			1	1	9	14	10	15
Public highway crossing protected by bell.....			1	1	3	9	4	10
Public highway crossing protected by watchman.....				1	1	12	1	13
Public highway crossing unprotected.....			2	7	43	91	45	98
Private crossing.....								
Trespassing.....			2	4	127	75	129	79
Working on or under engine.....			7	118			7	118
Unclassified.....	1	18	9	252	6	2	16	272
Adjusting couplers, coupling and uncoupling.....			5	53			5	53
Working on track or bridge.....			3	92			3	92
Falling off hand car, motor or velocipede.....			3	32	1		4	32
Hand car, motor or velocipede struck by train.....			6	7			6	7
Crawling under cars.....				1				1
Crawling through cars over couplers.....				7				7
Caught while passing through cars between couplers.....					1		1	
Cars standing foul.....				4		2		6
Struck by switch stand, water spout, mail crane, etc.....			1	19			1	19
Crushed between cars, buildings, lumber piles, platforms, etc.....			1	17			1	17
Explosion of locomotive boiler.....								
Falling off passenger trains.....	2	11	2	2			4	13
Falling off tender while handling coal.....				6				6
Falling off tender while taking water.....			1	7			1	7
Working in shop.....			1	116			1	116
Riding on pilot of engine.....			1	3			1	3
Overhead bridge.....				2				2
Repairing cars on repair track when moved by engine.....				3				3
Falling off top of cars while walking over train.....			4	21			4	21
Falling between cars going over top.....			2	4			2	4
Train parting and colliding.....		2	1	7	1		2	9
Jumping off train in motion.....	5	18	1	28	6	7	12	53
Attempt to board train in motion.....	1	3	2	26	1	1	4	30
Washout.....			2	1			2	1
Bridge gave way or burnt.....								
Electrocuted.....								
Run down by switch or other engine or moving cars.....	1	1	59	46	3	9	63	56
Passing too close around end of string of cars.....			1				1	
Caught in frog, guard-rail or switch rod.....			2	3			2	3
Caught while throwing switch.....				2				2
Falling off cars while climbing up or coming down side or end ladders.....			2	15			2	15
Falling off cars while working hand brake.....			1	7			1	7
Asphyxiated in tunnel.....								
Handling freight.....			1	50	3		4	50
Loading and unloading O.C.S. material.....				38		1		39
Building and repairing.....				10				10
Working in coal chute.....			3	16			3	16
Cars moved while loading or unloading.....				7				7
Drawbridge open.....								
Repairing cars on running track when moved by engine.....			2	3			2	3
Locomotive dropping crown sheet of fire-box.....				2				2
	16	280	155	1,174	212	239	383	1,693

STATEMENT No. 4.—Showing the character of Accidents sustained by the Persons Killed and Injured on the various railways under the jurisdiction of the Board for the year ending March 31, 1917—*Con*

Name of Railway.	Derailment.		Collision head-on.		Collision rear-end.		Collision in yard.		Collision with cars standing foul of main line.		Collision with cars account open switch.		Collision at level crossing.		Public highway crossing protected by gates.		Public highway crossing protected by bell.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	6	19	3	9	5	9	.....	9	1	2	.....	13	2	16	8	12	2	4
Canadian Pacific.....	3	137	3	36	8	14	2	1	1	1	.....	.....	.....	2	.....	1	2	3
Canadian Northern.....	1	34	.....	.....	3	13	.....	1	.....	.....	2	.....	.....	.....	.....	.....	.....	.....
Michigan Central.....	6	.....	.....	.....	.....	1	1	.....	2	.....	.....	.....	.....	2	.....	.....	3
Grand Trunk Pacific.....	25	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	.....	.....	.....
Niagara, St. C. and Toronto.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Pere Marquette.....	1	.....	.....	.....	.....	.....	.....	.....	2	.....	.....
Toronto, Hamilton and Buffalo.....
Quebec, Montreal and Southern.....
Dominion Atlantic.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Winnipeg Joint Terminals.....
Esquimalt and Nanaimo.....	4	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Montreal and Southern Counties.....
Temiscouata.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Algoma Central and Hudson Bay.....
Midland.....
Hamilton Radial Electric.....
Algoma Eastern.....
Red Mountain.....
Lake Erie and Northern.....
Quebec Light and Power.....
London and Port Stanley.....
New York Central.....
Vancouver and Lulu Islands.....
Ottawa and New York.....
London and Lake Erie.....
Vancouver, Victoria and Eastern.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Boston and Maine.....
Halifax and Southwestern.....
Hull Electric.....	6
Wabash.....
	10	234	6	45	16	42	3	13	2	5	15	2	22	10	15	4	10

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STATEMENT No. 4.—Showing the character of Accidents sustained by the Persons Killed and Injured on the various railways under the jurisdiction of the Board for the year ending March 31, 1917—*Con.*

Name of Railway.	Public highway crossing protected by watchman.		Public highway crossing unprotected.		Private crossing.		Trespassing.		Working on or under engine.		Unclassified.		Adjusting couplers, coupling and uncoupling.		Working on track or bridge.		Falling off hand car, motor or velocipede.		Hand car motor, velocipede struck by train.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....		11	13	27			36	31	2	36	5	83	1	21	1	16	2	3		1
Canadian Pacific.....		1	15	39			56	23	3	1	4	10	2	5	2	3	2	3	2	2
Canadian Northern.....			2				11	12	1	20	3	54	1	15		28		19		2
Michigan Central.....			4	1			4	2		25		61		5		23		4		1
Grand Trunk Pacific.....				2			4	1		2		7	1	2		3		2		3
Niagara, St. C. and Toronto.....			3	1			4													
Pere Marquette.....									1	5	2	9		2						
Toronto, Hamilton and Buffalo.....	1			2			3	2		11		17		1	7					
Quebec, Montreal and Southern.....				1						2										
Dominion Atlantic.....							2													
Winnipeg Joint Terminals.....							2													
Esquimalt and Nanaimo.....																1				
Montreal and Southern Counties											1									
Temiscouata.....																1				
Algoma Central and Hudson Bay.....							1	1												
Midland.....																				
Hamilton Radial Electric.....				1																
Algoma Eastern.....											1									
Red Mountain.....				1																
Lake Erie and Northern.....				1				1				3						1		
Quebec Light and Power.....			1																	
London and Port Stanley.....							1													
New York Central.....			2	3						3		1								
Vancouver and Lulu Island.....							1													
Ottawa and New York.....																				
London and Lake Erie.....																				
Vancouver, Victoria and Eastern.....			1				1	1		2		19			10				1	1
Boston and Maine.....				1			1	1												
Halifax and Southwestern.....								1		1		3		1						
Hull Electric.....								1												
Wabash.....	1		4	1				2		10		5								
	1	13	45	98			129	79	7	118	16	272	5	53	3	92	4	32	6	7

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STATEMENT No. 4.—Showing the character of Accidents sustained by the Persons Killed and Injured on the various railways under the jurisdiction of the Board for the year ending March 31, 1917—*Con.*

Name of Railway.	('rawling under cars.		('rawling through cars over couplers.		Caught while passing through cars between couplers.		Cars standing foul.		Struck by switchstand, water spout, mail car, etc.		('rushed between cars, buildings, lumber piles, etc.		Explosion of locomotive boiler.		Falling off passenger train.		Falling off tender while handling coal.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....				5				2		13		6				4		4
Canadian Pacific.....					1				1	1		2			3			5
Canadian Northern.....				1				1		2		7				3		1
Michigan Central.....				1						3		2						
Grand Trunk Pacific.....																		
Niagara, St. C. and Toronto.....																		
Perc Marquette.....		1																
Toronto, Hamilton and Buffalo.....																		
Quebec, Montreal and Southern.....																		
Dominion Atlantic.....																		
Winnipeg Joint Terminals.....																		
Esquimalt and Nanaimo.....																		
Montreal and Southern Counties.....																		
Temiscouata.....																		
Algoma Central and Hudson Bay.....																		
Midland.....																		
Hamilton Radial Electric.....																		
Algoma Eastern.....																		
Red Mountain.....																		
Lake Erie and Northern.....																		
Quebec Light and Power.....																		
London and Port Stanley.....																		
New York Central.....															1			
Vancouver and Lulu Islands.....																		
Ottawa and New York.....																		
London and Lake Erie.....																		
Vancouver, Victoria and Eastern.....																		
Boston and Maine.....																		
Halifax and Southwestern.....								1										
Hull Electric.....								2										1
Wabash.....																		
	1			7		1		6	1	19	1	17			4	13		6

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STATEMENT No. 4.—Showing the character of Accidents sustained by the Persons Killed and Injured on the various railways under the jurisdiction of the Board for the year ending March 31, 1917—*Con.*

Name of Railway.	Falling off tender while taking water.		Working in shop		Riding on pilot of engine.		Overhead bridge.		Repairing cars on repair track when moved by engine.		Falling off top of car while walking over train.		Falling between cars going over top.		Train parting and colliding		Jumping off train in motion		Attempt to board train in motion.		
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	
Grand Trunk.....		2		48				1			2	10				1	2	31		3	12
Canadian Pacific.....		1	1			2		1			2	2	1		1	4	10		1	3	
Canadian Northern.....		2		16		1			1			2	1			7	2			7	
Michigan Central.....				30								6	1			1		5		4	
Grand Trunk Pacific.....	1					1															
Niagara, St. Catharines and Toronto.....																					
Perc Marquette.....				7						2								1			
Toronto, Hamilton and Buffalo.....				3														1			
Quebec, Montreal and Southern.....				4														1			
Dominion Atlantic.....													1								
Winnipeg Joint Terminals.....																					
Esquimalt and Nanaimo.....																		1			
Montreal and Southern Counties.....																		1			
Temiscouata.....																					
Algoma Central and Hudson Bay.....																					
Midland.....				1																	
Hamilton Radial Electric.....																					
Algoma Eastern.....																					
Red Mountain.....																					
Lake Erie and Northern.....				1															1		
Quebec Light and Power.....																					
London and Port Stanley.....																					
New York Central.....																					
Vancouver and Lulu Island.....																					
Ottawa and New York.....																					
London and Lake Erie.....																					
Vancouver, Victoria and Eastern.....				3																	
Boston and Maine.....																					
Halifax and Southwestern.....				2																	
Hull Electric.....		2		1								1						2		1	
Wabash.....																					
	1	7	1	116	1	3		2	3		4	21	2	4	2	9	12	53	4	30	

8 GEORGE V, A. 1918

STATEMENT No. 4.—Showing the character of Accidents sustained by the Persons Killed and Injured on the various railways under the jurisdiction of the Board for the year ending March 31, 1917—*Con.*

Name of Railway.	Washout.		Bridge gave way or burnt.		Electro-cuted.		Run down in yard by switch or other engine or moving cars.		Passing too close around end of string of cars.		Caught in frog, guard rail or switch rod.		Caught while throwing switch.		Falling off cars while climbing up and coming down side or end ladders.		Falling off cars while working hand brakes.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....							14	24				1			1			4
Canadian Pacific.....		1					34	9	1		1				1			1
Canadian Northern.....							4	11			1							3
Michigan Central.....							5	5							1		1	1
Grand Trunk Pacific.....							3											
Niagara, St. Catharines and Toronto.....							1	1										
Pere Marquette.....								1				2			1			1
Toronto, Hamilton and Buffalo.....																		
Quebec, Montreal and Southern.....								1										
Dominion Atlantic.....																		
Winnipeg Joint Terminals.....																		
Esquimalt and Nanaimo.....																		
Montreal and Southern Counties.....							1											
Temiscouata.....																		
Algoma Central and Hudson Bay.....																		
Midland.....																		
Hamilton Radial Electric.....																		
Algoma Eastern.....																		
Red Mountain.....																		
Lake Erie and Northern.....																		
Quebec Light and Power.....																		
London and Port Stanley.....																		
New York Central.....																		
Vancouver and Lulu Island.....								1										
Ottawa and New York.....							1											
London and Lake Erie.....														1				
Vancouver, Victoria and Eastern.....																		
Boston and Maine.....																		
Halifax and Southwestern.....								2										
Hull Electric.....								1										
Wabash.....																		
	2	1					63	56	1		2	3		2	2	15	1	7

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STATEMENT No. 4.—Showing the character of Accidents sustained by the Persons Killed and Injured on the various railways under the jurisdiction of the Board for the year ending March 31, 1917—*Con.*

Name of Railway.	Asphyxiated in tunnel.		Handling freight.		Loading and unloading O.C.S. material.		Building and repairing.		Working in coal chute.		Cars moved while loading and unloading.		Draw-bridge open.		Repairing cars on running track when moved by engine.		Locomotive dropping crown sheet of firebox.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....				25		10		6	2	2		5			2				114	549
Canadian Pacific.....			1		2											2			161	325
Canadian Northern.....				14		10		1		1		2							35	318
Michigan Central.....				6		8				5									17	213
Grand Trunk Pacific.....						2													12	52
Niagara, St. Catharines and Toronto.....																			7	1
Pere Marquette.....		1				1		1											5	31
Toronto, Hamilton and Buffalo.....		2				2		1	2										5	59
Quebec, Montreal and Southern.....																				7
Dominion Atlantic.....																			3	4
Winnipeg Joint Terminals.....																			2	1
Esquimalt and Nanaimo.....																				2
Montreal and Southern Counties.....																			2	5
Temiscouata.....																				1
Algoma Central and Hudson Bay.....																			1	4
Midland.....																				1
Hamilton Radial Electric.....																				1
Algoma Eastern.....																			1	
Red Mountain.....																				1
Lake Erie and Northern.....																				8
Quebec Light and Power.....																			1	
London and Port Stanley.....																			1	
New York Central.....				1															2	9
Vancouver and Lulu Island.....																			1	
Ottawa and New York.....																				1
London and Lake Erie.....																			1	
Vancouver, Victoria and Eastern.....				1		4													2	43
Boston and Maine.....				2															3	6
Halifax and Southwestern.....				1				1		2										13
Hull Electric.....																			1	3
Wabash.....																			6	35
			4	50		39		10	3	16		7			2				383	1,693

8 GEORGE V, A. 1918

STATEMENT No. 5.—Comparative statement in totals of Killed and Injured between years ending March 31, 1916, and March 31, 1917, separately for each and every accident.

Character of Accidents.	1916.		1917.		1917.			
					Increase.		Decrease.	
	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	6	55	10	234	4	179		
Collision head-on.....	4	5	6	45	2	40		
Collision rear-end.....	11	76	16	42	5			34
Collision in yard.....	26	31	3	13			23	18
Collision with cars standing foul of main track.....	1		2	5	1	5		
Collision with cars account open switch.....		3		15		12		
Collision at level crossing.....		1	2	22	2	21		
Public highway crossing protected by gates.....	3	4	10	15	7	11		
Public highway crossing protected by bell.....	9	8	4	10		2	5	
Public highway crossing protected by watchman.....	2	5	1	13		8	1	
Public highway crossing unprotected.....	31	57	45	98	14	41		
Private crossing.....	3	2					3	2
Trespassing.....	143	102	129	79			14	23
Working on or under engine.....	1	50	7	118	6	68		
Unclassified.....	14	212	16	272	2	60		
Adjusting couplers, coupling and uncoupling.....	5	39	5	53		14		
Working on track or bridge.....	1	58	3	92	2	34		
Falling off hand car, motor or velocipede.....		21	4	32	4	11		
Hand car, motor or velocipede struck by train.....	5	3	6	7	1	4		
Crawling under cars.....		1		1				
Crawling through cars over couplers.....	1			7		7	1	
Caught while passing through cars between couplers.....	3	4	1				2	4
Cars standing foul.....	1	3		6		3	1	
Struck by switch stand, water spout, mail crane, etc.....	2	6	1	19		13	1	
Crushed between cars, lumber piles, platforms, etc.....	2	8	1	17		9	1	
Explosion of locomotive boiler.....								
Falling off passenger trains.....	1	12	4	13	3	1		
Falling off tender while handling coal.....		1		6		5		
Falling off tender while taking water.....		4	1	7	1	3		
Working in shop.....	3	99	1	116		17	2	
Riding on pilot of engine.....	2	2	1	3		1	1	
Overhead bridge.....		1		2		1		
Repairing cars on repair track when moved by engine.....				3		3		
Falling off top of cars while walking over train.....	5	22	4	21			1	1
Falling between cars going over top.....		3	2	4	2	1		
Train parting and colliding.....		7	2	9	2	2		
Jumping off train in motion.....	11	38	12	53	1	15		
Attempt to board train in motion.....	8	22	4	30		8	4	
Washout.....			2	1	2	1		
Bridge gave way or burnt.....	1						1	
Electrocuted.....	1						1	
Run down by switch or other engine, or moving cars.....	27	42	63	56	36	14		
Passing too close around end of string of cars.....			1		1			
Caught in frog, guard-rail or switch rod.....		3	2	3	2	2		
Caught while throwing switch.....				2				
Falling off cars while climbing up or coming down side or end ladders.....	2	8	2	15		7		
Falling off cars while working hand brake.....		4	1	7	1	3		
Asphyxiated in tunnel.....								
Handling freight.....	2	40	4	50	2	10		
Loading and unloading O.C.S. material.....		40		39				1
Building and repairing.....		6		10		4		
Working in coal chute.....		10	3	16	3	6		
Cars moved while loading or unloading.....		5		7		2		
Drawbridge open.....								
Repairing cars on running track when moved by engine.....		2	2	3	2	1		
Locomotive dropping crown sheet of fire box.....				2		2		
	337	1,125	383	1,693	108	651	62	83
			337	1,125	62	83		
Increase.....			46	568	46	568		

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STATEMENT No. 6.—Comparative statement in totals of Killed and Injured between years ending March 31, 1916, and March 31, 1917, for each railway separately.

Name of Railway.	1916.		1917.		1917.			
					Decrease.		Increase.	
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	122	296	114	549	8			253
Canadian Pacific.....	130	180	161	325			31	145
Canadian Northern.....	31	216	35	318			4	102
Michigan Central.....	11	211	17	213			6	2
Grand Trunk Pacific.....	4	28	12	52			8	24
Niagara, St. Catharines and Toronto.....	2	3	7	1		2	5	
Pere Marquette.....	2	15	5	31			3	16
Toronto, Hamilton and Buffalo.....	6	51	5	59	1			8
Quebec, Montreal and Southern.....		6		7				1
Dominion Atlantic.....	3		3	4				4
Winnipeg Joint Terminals.....	3	1	2	1	1			
Esquimalt and Nanaimo.....	1	3		2	1	1		
Montreal and Southern Counties.....	1	31	2	5		26	1	
Temiscouata.....	1			1	1			1
Algoma Central and Hudson Bay.....	3	2	1	4	2			2
Midland.....		1		1				
Hamilton Radial Electric.....				1				1
Algoma Eastern.....			1				1	
Red Mountain.....				1				1
Lake Erie and Northern.....				8				8
Quebec Light and Power.....			1				1	
London and Port Stanley.....	1	1	1			1		
New York Central.....		16	2	9		7	2	
Vancouver and Lulu Island.....			1				1	
Ottawa & New York.....	2	4		1	2	3		
London and Lake Erie.....			1				1	
Vancouver, Victoria and Eastern.....		31	2	43			2	12
Boston and Maine.....	1	2	3	6			2	4
Halifax and Southwestern.....	2	7		13	2			6
Hull Electric.....			1	3			1	3
Wabash.....	9	13	6	35	3			22
Maine Central.....	1	1			1	1		
Windsor, Essex and Lake Shore.....	1	1			1	1		
Morrissey, Fernie and Michel.....		2				2		
Central Vermont.....		1				1		
Quebec Oriental.....		1				1		
Great Northern.....		1				1		
	337	1,125	383	1,693	23	47	69	615
			337	1,125			23	47
Increase.....			46	568			46	568

STATEMENT No. 7.— Showing the number of Highway Crossing Accidents with the total number of Killed and Injured by provinces and railways, for the year ending March 31, 1917.

Name of Railway.	Ontario.			Quebec.			New Brunswick.			Nova Scotia.			Manitoba.			British Columbia.			Saskatchewan.			Alberta.			Total.		
	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.	Acc.	K.	I.
Grand Trunk.....	38	19	44	12	4	10	2						3			2	1	1	2	1					50	23	54
Canadian Pacific.....	23	6	25	11	9	8							1			4	2		3			1			44	17	44
Canadian Northern.....	2	1	1	4	1	4							1									4			13	2	17
Michigan Central.....	9	6	4																						9	6	4
Quebec, Montreal and S.....				1		1																			1		1
Toronto, Hamilton and B.....	3		5																						3		5
Wabash.....	3	5	1																						3		1
Niagara, St. Catharines and Toronto..	2	3	1																						2		1
Lake Erie and Northern.....	1		1																						1		1
Hamilton Radial.....	1		1																						1		1
Boston and Maine.....				1		1																			1		1
New York Central.....				3	2	3																			3	2	3
Vancouver, Victoria and E.....																	1	1							1	1	
Red Mountain.....																									1		1
Quebec Ry. Light and Power.....				1	1														1						1		
Grand Trunk Pacific.....																									2		
	82	40	83	33	17	27	2						4			6	4	2	6	1	10	5	0	6	136	60	136

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STATEMENT No. 8.—Showing Highway Crossings at which protection and nature of protection, during year ending March 31, 1917.

Location of Crossing.	Railway.	Nature of Protection.
Talbot Road, just east Courtland Station.....	G.T.R.....	Electric bell.
First crossing east of Coteau.....	G.T.R.....	Day watchman.
Desormeaux St., Tetreaultville.....	C.N.R.....	Electric bell.
Crossing 2 miles east of Lyn, Twp. Elizabeth, County Leeds.....	G.T.R.....	Electric bell.
Rankin St., Campbelltown Village.....	C.P.R.....	Electric bell.
Second public highway crossing two miles south of Brampton.....	C.P.R.....	Electric bell.
First highway crossing east of Mountain Station.....	C.P.R.....	Electric bell.
Waterloo Street crossing, London.....	G.T.R.....	Gates.
Colborne St. crossing, London.....	C.P.R.....	Gates.
Dorchester St., Quebec.....	C.P.R.....	Gates.
Crawford's Crossing at Mil. 13-55 between Westfield and Hillandale, N.B.....	C.P.R.....	Electric bell.
Pardy's Crossing at Mil. 13-55 between Westfield and Hillandale, N.B.....	C.P.R.....	Electric bell.
Lampson St., Twp. of Esquimalt, B.C.....	E. & N.....	Electric bell.
Twelfth St., New Westminster, B.C.....	C.P.R.....	Trains to stop before crossing street and to be flagged over crossing.
Drouillard road crossing, Ford City, Ont.....	G.T.R.....	Day and night watchman.
St. Antoine St., Rigaud, Que.....	C.P.R.....	Electric bell.
St. Francois St., Rigaud, Que.....	C.P.R.....	Electric bell.
Ottawa Ave., South River, Ont.....	G.T.R.....	Watchman between 9 a.m. and 9 p.m.
Sagwa and Lingley (highway crossing between, N.B.)	G.P.R.....	Diversion.
Bronson Ave., Ottawa.....	G.T.R.....	Gates.
Main St., Farnham, Que.....	C.P.R.....	Gates.
Lake road crossing, east of Grimsby, Ont.....	G.T.R.....	Electric bell.
Pembina highway crossing, Winnipeg, Man.....	C.N.R.....	Gates.
Laframboise St., St. Hyacinthe, Que.....	G.T.R.....	Day watchman between 7 a.m. and 7 p.m.
Crossing at Boulevard Gouin, Bordeaux, Mil. 9-91, Que.	C.P.R.....	Electric bell.
Crossing in Riverdale Park where foot bridge crosses Don river, Toronto.....	C.P.R., C.N.R. and G.R.T....	Flagman between 10 a.m. and 8 p.m.
Crossing west of G.T.R. Co's station at Dorval, Que ..	G.T.R.....	Watchman between 6 a.m. and 7 p.m.
Crossing west of C.P.R. Co's station at Dorval, Que ..	C.P.R.....	Watchman between 6 a.m. and 7 p.m.
Crossing a short distance north of Mile Post 109, Island Pond and Richmond, Subdivisions, Township of Ascot, Que.....	G.T.R.....	Electric bell.
Crossing road allowance between Lot 22, Con. 1 and Lot 22, Broken Front Con., Twp. Darlington, Prov. Ont.....	C.P.R.....	Electric bell.
Crossing of Sherman Ave., Hamilton, Ont.....	G.T.R.....	Train movements to be flagged.
William St. crossing, Port Stanley, Ont.....	London and Pt. Stanley.....	Electric bell.
Church St., Weston, Ont.....	G.T. and C.P. Rys.....	Gates.
Duke St. crossing, Guelph, Ont.....	C.P.R.....	Electric bell.
Crossing at Mil. 37-94, Galt Subdivision, Campbellville Station.....	C.P.R.....	Electric bell.
Crossing at 39-91, Galt Subdivision.....	C.P.R.....	} Bush on private lands to be cut down.
Crossing at Mil. 38-58, Galt Subdivision.....	C.P.R.....	
Crossing at Mil. 38-88, Galt Subdivision.....	C.P.R.....	Train movements to be flagged.
Crossing of Hamilton St. at Regina.....	C.P.R.....	Watchman between 7 a.m. and 7 p.m.
Crossing just east of Amigari Station, Ont.....	G.T.R.....	
Crossing at Bay Bridge Road, Belleville, Ont.....	C.P.R. and C. N.R.....	Gates.
Comstock Bridge Crossing, 1½ miles east of Lennoxville	B. & M.....	Electric bell.
Main St. crossing, Vegreville, Alta.....	C.N.R.....	Watchman between 8 a.m. and 7 p.m.
Third, west of Brookfield, Ont.....	M.C.R.....	Diversion.

8 GEORGE V, A. 1918

STATEMENT No. 9.—Showing the number of Highway Crossings at which protection has been ordered by the Board, and nature of protection set out by Provinces, for the year ending March 31, 1917.

Nature of Protection.	Nova Scotia.	New Brunswick.	Quebec	Ontario.	Manitoba.	Saskatchewan.	Alberta.	British Columbia.	Total.
Gates.....			2	5	1				8
Bell.....		2	6	10				1	19
Watchman.....			4	4			1		
Diversion.....		1		1					
Trains to be flagged.....				1		1		1	
Removal of bush.....				3					
		3	12	24	1	1	1	2	44

STATEMENT No. 10.—Showing number of Persons Killed and Injured at Public Highway Crossings, separately for each year for five years ending March 31, 1917.

Year.	Gates.		Bell.		Watchman.		Unprotected.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
1913.....	6	6	4	5		3	29	48	39	62
1914.....	10	13	1	6	6	12	44	84	61	115
1915.....	6	10	2	7	2	5	37	68	47	90
1916.....	3	4	9	8	2	5	31	57	45	74
1917.....	10	15	4	10	1	13	45	98	60	136
	35	48	20	36	11	38	186	355	252	477

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STATEMENT No. 11.—Showing the number of Highway Crossing Accidents, the nature of same, for each and every year separately for the five years ending March 31, 1917.

20c—6

	Gates.							Watchman.							Bell.							Unprotected.							Total.							
	1913		1914		1915		1916		1917		T'l.		1913		1914		1915		1916		1917		T'l.		1913		1914		1915		1916		1917		T'l.	
	1913	1914	1915	1916	1917	T'l.	1913	1914	1915	1916	1917	T'l.	1913	1914	1915	1916	1917	T'l.	1913	1914	1915	1916	1917	T'l.	1913	1914	1915	1916	1917	T'l.	1913	1914	1915	1916	1917	T'l.
Automobile.....	1	2	2	.....	2	7	1	1	1	2	1	6	1	1	1	2	4	9	2	13	9	11	29	64	5	17	13	15	36						86
Horse and rig.....	2	5	2	1	2	12	3	3	2	1	4	13	5	5	3	7	7	27	43	54	59	49	45	250	53	67	66	58	58						302	
Pedestrian.....	8	14	11	6	12	51	1	7	1	3	1	13	1	3	3	2	4	13	16	23	20	17	25	101	26	47	35	28	42						178	
	11	21	15	7	16	70	5	11	4	6	6	32	7	9	7	11	15	49	61	90	88	77	99	415	84	131	114	101	136						566	

The total of 566 accidents covers 252 persons killed and 477 persons injured, as referred to in the preceding Statement.

8. GEORGE V, A. 1918

STATEMENT No. 12.—Showing the number of Trespassers Killed and Injured by provinces and railways for the year ending March 31, 1917.

Name of Railway.	Ontario.		Quebec.		British Columbia.		Alberta.		Saskatchewan.		Manitoba.		New Brunswick.		Nova Scotia.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk.....	21	27	15	4	5	1	1	1	8	1	1	5	1	1	1	1	36	31
Canadian Pacific.....	29	12	12	2	2	2	1	1	1	1	1	1	1	1	1	1	56	23
Canadian Northern.....	6	7	2	2	2	2	2	1	1	1	1	1	1	1	1	1	11	12
Grand Trunk Pacific.....							2	1	1	1	1	1	1	1	1	1	4	1
Michigan Central.....	4	2															4	2
Niagara, St. Catharines and Toronto.....	4																4	2
Toronto, Hamilton and Buffalo.....	3	2															4	2
Dominion Atlantic.....																	3	2
Winnipeg Joint Terminals.....											2						2	
Algoma Central.....	1	1															1	1
Wabash.....	1	2															1	2
Lake Erie and Northern.....		1															1	1
London and Port Stanley.....	1																1	
Vancouver and Lulu Island.....					1												1	
Vancouver, Victoria and E.....					1	1											1	1
Boston and Maine.....			1	1													1	1
Halifax and Southwestern.....															1		1	1
Hull Electric.....			1	1													1	1
	70	54	31	10	7	2	2	3	10	2	5	5	1	1	3	2	129	79

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STATEMENT No. 13.—Showing the number of Persons Killed and Injured on the various railways under the jurisdiction of the Board from April 1, 1908, until March 31, 1917, classified under three headings and shown separately for each and every year.

Year.	Passengers.		Employees.		Others.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.
1908.....	64	326	246	806	219	177	529	1,309
1909.....	26	227	191	769	231	205	448	1,201
1910.....	51	211	194	745	211	167	456	1,123
1911.....	24	132	263	788	207	199	494	1,119
1912.....	28	292	230	1,381	231	238	489	1,911
1913.....	21	410	303	1,603	1,319	218	643	2,231
1914.....	31	339	249	1,250	314	310	594	1,899
1915.....	8	239	99	873	230	251	337	1,363
1916.....	17	140	120	788	200	197	337	1,125
1917.....	16	280	155	1,174	212	239	383	1,693
	286	2,596	2,050	10,177	2,374	2,201	4,710	14,974

STATEMENT No. 14.—Showing the number of Persons Killed and Injured in the more prominent accidents on the various railways under the jurisdiction of the Board; shown separately for each year for the five years ending March 31, 1917.

Nature of Accidents.	1913.		1914.		1915.		1916.		1917.		Total.	
	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.	K.	I.
Derailment.....	19	317	39	257	7	82	6	55	10	234	81	945
Collision.....	26	108	7	29	2	46	4	5	6	45	45	233
Collision, rear-end.....	16	90	14	23	7	49	11	76	16	42	64	280
Collision in yard.....	8	51	18	55	3	54	26	31	3	13	58	204
Collision with cars, open switch.....		15	5	1		4		3		15	5	54
Collision with cars, foul main track.....	2	1		8		2	1		2	5	5	16
Collision at level crossing.....			1	39	2	22		1	2	22	5	84
Highway crossing protected.....	10	14	17	31	10	22	14	17	15	38	66	122
Highway crossing unprotected.....	29	48	44	84	37	68	31	57	45	98	186	355
Adjusting couplers, uncoupling, etc.....	29	92	11	60	7	38	5	39	5	53	57	282
Trespassing.....	251	116	238	164	170	126	143	102	129	79	931	587
Hand car, motor, struck by train.....	16	16	10	13	5	9	5	3	6	7	42	48
Struck by switch stand, etc.....	1	21	4	21	1	8	2	6	1	19	9	75
Caught between cars and buildings.....	7	9	4	7		9	2	8	1	17	14	50
Falling off passenger train.....	10	13	6	17	3	11	1	12	4	13	24	66
Falling off car walking over train.....	10	43	4	41	4	22	5	22	4	21	27	149
Falling between cars walking over train.....	2	7	2	5	2	3		3	2	4	8	22
Getting off train in motion.....	12	53	7	55	3	45	11	38	12	53	45	244
Attempt to board train in motion.....	16	40	8	47	2	29	8	22	4	30	38	168
Run down by engine or cars.....	55	64	56	64	33	41	27	42	63	56	234	267
Locomotive dropped crown sheet.....	1	10	2	4		3				2	3	19
	520	1,128	497	1,041	298	693	302	542	330	866	1,947	4,270

STATEMENT No. 15.—Showing number of Cars Inspected for year ending March 31, 1917, together with defects noted.

Name of Railway.	Cars inspected.	Cars defective.	Per cent defective.	Grand total defects.	Couplers and parts.	Per cent defective.	Un-coupling mechanism	Per cent defective.	Hand-holds.	Per cent defective.	Air brakes.	Per cent defective.
Canadian Pacific.....	26,222	1,284	4.90	1,446	37	2.55	242	16.74	83	5.74	827	57.19
Grand Trunk.....	17,562	773	4.40	917	39	4.25	135	14.72	48	5.23	540	58.88
Canadian Northern.....	6,455	385	5.96	478	9	1.88	92	19.25	57	11.92	215	44.98
Grand Trunk Pacific.....	1,778	133	7.48	143	4	2.80	20	13.99	41	28.67	44	30.77
Pere Marquette.....	1,120	60	5.36	68	2	2.94	9	13.24	7	10.00	49	72.06
Toronto, Hamilton and Buffalo.....	1,648	67	4.07	70	2	2.86	2	2.86	24	13.11	45	64.29
Dominion Atlantic.....	1,883	130	14.72	183	2	1.09	28	15.30	1	33.33	96	52.46
Cumberland Ry., and Coal.....	5	1	20.00	3	2	12.50	2	12.50	1	6.25	2	12.50
Great Northern.....	175	15	8.57	16	2	2.15	2	7.14	2	13.33	19	67.86
Michigan Central.....	1,255	27	2.15	28	1	6.66	1	6.66	2	30.00	6	40.00
London and Port Stanley.....	190	12	6.31	15	2	10.00	2	10.00	6	24.00	8	40.00
Quebec Ry. Light and Power.....	37	10	27.02	20	2	8.00	6	14.64	10	20.00	16	39.02
Quebec Oriental and Atlantic, Quebec and Western.....	14	6	42.86	25	1	2.70	7	18.92	2	5.41	12	32.43
Algoma Central.....	470	25	5.32	41	1	2.86	548	15.68	291	8.33	1,887	53.99
Boston and Maine.....	148	5	3.38	5	100	2.86	548	15.68	291	8.33	1,887	53.99
Algoma Western.....	111	24	21.62	37	1	2.70	7	18.92	2	5.41	12	32.43
	58,073	2,957	5.09	3,495	100	2.86	548	15.68	291	8.33	1,887	53.99

Name of Railway.	Ladders.	Per cent defective.	Sill stops.	Per cent defective.	Height of couplers.	Per cent defective.	Miscellaneous.	Per cent defective.
Canadian Pacific.....	36	2.49	87	6.02	2	0.22	134	9.20
Grand Trunk.....	26	2.84	26	2.84	2	0.22	101	11.01
Canadian Northern.....	15	3.13	32	6.69	1	1.48	58	12.13
Grand Trunk Pacific.....	1	0.70	9	6.29	1	1.48	24	16.78
Pere Marquette.....	1	1.47	1	1.47	1	1.48	5	7.04
Toronto, Hamilton and Buffalo.....	1	1.43	5	7.14	1	1.48	8	11.43
Dominion Atlantic.....	9	4.92	9	4.37	1	1.48	15	8.20
Cumberland Railway and Coal.....	1	33.33	1	33.33	1	1.48	8	50.00
Great Northern.....	1	3.57	1	6.25	1	1.48	2	7.14
Michigan Central.....	2	13.33	2	7.14	1	1.48	3	20.00
London and Port Stanley.....	1	13.33	3	15.00	1	1.48	1	5.00
Quebec Railway, Light and Power.....	1	2.39	9	36.00	1	1.48	3	12.00
Quebec Oriental and Atlantic, Quebec and Western.....	1	2.39	5	12.20	1	1.48	3	7.32
Algoma Central.....	5	13.51	1	20.00	1	1.48	6	18.22
Boston and Maine.....	99	2.83	195	11.81	4	0.11	371	10.61
Algoma Eastern.....								

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STATEMENT No. 16.—Showing Defective Safety Appliances on freight cars as reported
by the Inspectors for year ending March 31, 1917.

COUPLERS AND PARTS.

Coupler body broken.....	3
Coupler body worn.....	2
Guard arm short.....	2
Knuckle broken.....	2
Knuckle missing.....	8
Knuckle pin broken.....	1
Knuckle pin wrong.....	8
Knuckle pin bent.....	1
Knuckle pin missing.....	8
Lock block broken.....	53
Lock block worn.....	1
Lock block wrong.....	
Lock block bent.....	
Lock block inoperative.....	
Lock block missing.....	10
Lock block key missing.....	1
Lock block trigger missing.....	
Total.....	100

UNCOUPLING MECHANISM.

Uncoupling lever broken.....	21
Uncoupling lever wrong.....	
Uncoupling lever bent.....	20
Uncoupling lever incorrectly applied.....	
Uncoupling lever missing.....	61
Uncoupling chain broken.....	329
Uncoupling chain too long.....	
Uncoupling chain too short.....	7
Uncoupling chain kinked.....	
Uncoupling chain missing.....	110
End casting broken.....	
End casting wrong.....	
End casting bent.....	
End casting loose.....	
End casting incorrectly applied.....	
End casting missing.....	
Keeper broken.....	
Keeper wrong.....	
Keeper bent.....	
Keeper loose.....	
Keeper incorrectly applied.....	
Keeper missing.....	
Angle clip loose.....	
Total.....	548

HANDHOLDS.

Handhold broken.....	19
Handhold bent.....	113
Handhold loose.....	8
Handhold incorrectly applied.....	
Handhold missing.....	151
Total.....	291

HEIGHT OF COUPLERS.

Coupler too high.....	
Coupler too low.....	3
Carrier iron loose.....	1
Total.....	4

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STATEMENT No. 16.—Showing Defective Safety Appliances on freight cars as reported by the Inspectors for year ending March 31, 1917—*Con.*

AIR BRAKES.

Triple valve defective.....	
Triple valve missing.....	
Reservoir defective.....	
Reservoir loose.....	
Cylinder defective.....	19
Cylinder loose.....	114
Cylinder and triple valve not cleaned within 12 months.....	39
Cylinder and triple valve not stenciled with date of cleaning.....	
Cut out cock defective.....	41
Release cock defective.....	
Release cock missing.....	
Release rod broken.....	96
Release rod missing.....	54
Angle cock defective.....	117
Angle cock missing.....	11
Train pipe broken.....	43
Train pipe loose.....	32
Train pipe bracket missing.....	2
Cross-over pipe defective.....	12
Hose defective.....	22
Hose missing.....	75
Hose gasket missing.....	
Retaining valve defective.....	5
Retaining valve missing.....	
Retain pipe defective.....	117
Retaining pipe missing.....	3
Brake rigging defective.....	
Brake cut out.....	1,040
Brake cut out, card old.....	1
No brakes of any kind.....	42
Pump missing.....	
Total.....	1,887

LADDERS.

Ladder round broken.....	17
Ladder round bent.....	68
Ladder round loose.....	6
Ladder round missing.....	7
Ladder loose.....	1
Ladder incorrectly applied.....	
Total.....	99

SILL STEPS.

Sill step broken.....	22
Sill step bent.....	118
Sill step loose.....	22
Sill step incorrectly applied.....	1
Sill step missing.....	32
Total.....	195

MISCELLANEOUS.

Total.....	371
Grand total.....	3,495

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STATEMENT No. 17 "A"—Statement of Defects on freight cars shown separately for each year for five years ending March 31, 1917.

	1913.	1914.	1915.	1916.	1917.	Total.
Couplers and parts.....	493	336	166	100	100	1,195
Uncoupling mechanism.....	2,632	1,606	886	551	548	6,223
Handholds.....	560	241	182	340	291	1,614
Air brakes.....	7,946	5,935	4,181	3,127	1,887	23,076
Ladders.....	801	647	417	151	99	2,115
Sill steps.....	613	485	301	213	195	1,807
Height of couplers.....	31	21		4	4	60
Miscellaneous.....	1,110	1,511	876	565	371	4,433
Grand total.....	14,186	10,782	7,009	5,051	3,495	40,523

STATEMENT No. 17 "B"—Statement of Cars Inspected and defective shown separately for each year for five years ending March 31, 1917.

	1913.	1914.	1914.	1916.	1917.	Total.
Cars inspected.....	137,054	110,407	105,486	77,491	58,073	488,511
Cars defective.....	13,110	9,989	6,578	4,541	2,957	37,175
Percentage defective.....	9.56	9.05	6.24	5.86	5.09	7.61

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APPENDIX "D."

REPORT OF THE CHIEF FIRE INSPECTOR, CLYDE LEAVITT.

OTTAWA, March 31, 1917.

A. D. Cartwright, Esq.,
Secretary, Board of Railway Commissioners,
Ottawa, Ontario.

SIR,—Herewith I beg to submit for the twelfth annual report of the Board, the report of the Fire Inspection Department for the year ending March 31, 1917.

Approximately 82 per cent of the railway mileage of Canada is under the jurisdiction of the Board, and hence is more or less affected by the work of this Department.

ORGANIZATION.

The co-operative arrangement between this department and the respective Dominion and provincial forest fire-protective organizations, for the enforcement of General Order No. 107 and the provisions of section 297 of the Railway Act, has continued in effect, with very satisfactory results. During the year, seventy-three officials of the following organizations have acted as local officers of the department:—

British Columbia Forest Branch..	31 men.
Dominion Parks Branch.. \	4 "
Dominion Forestry Branch..	7 "
Ontario Forestry Branch..	13 "
Quebec Forest Protection Branch..	11 "
New Brunswick, Crown Lands Department..	2 "
Office of Chief Fire and Game Guardian of Alberta..	3 "
Office of Fire Commissioner of Saskatchewan..	2 "
Total..	<hr/> 73 "

RAILWAY FIRE PATROLS.

The requirements of regulation 10 of General Order No. 107, relative to fire patrols, have been administered along substantially the same lines as were described in detail in the annual report of this department for year ending March 31, 1916.

INSTRUCTIONS TO RAILWAY EMPLOYEES.

Working instructions to railway employees relative to the reporting and extinguishing of fires have been issued by the respective railways, in accordance with regulation 13 of General Order No. 107.

FIRE STATISTICS.

The weather conditions during the fire season of 1916 were, on the whole, generally favourable to fire protection. Periods of drought were of short duration and did not extend over any great part of the Dominion at one time. Generally, in all provinces, a wet spring was experienced, followed by favourable weather conditions, except in the province of New Brunswick, where extremely dry weather, accompanied by high winds, was experienced during the month of May, greatly increasing the fire hazard. During this period, six fires were reported beyond control, but none of these occurred along railway lines.

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In the province of Quebec, weather conditions were favourable during April, May, and June. During July and August, extremely dry periods were experienced, and considerable areas were burned over in the Lake St. John and Saguenay districts. In the Temiskaming and Abitibi districts conditions were perhaps worse, and much timber and property were destroyed. None of these fires were caused by railways under the jurisdiction of the Board.

In the province of Ontario a wet spring was experienced, followed by favourable conditions during May and June. During July and the greater portion of August, the weather was extremely hot, with high winds. The disastrous fire of July 29 and following days, in the clay belt of Northern Ontario, did not extend south as far as the line of the Canadian Northern railway or any other line subject to the jurisdiction of the Board.

In the Prairie provinces and British Columbia, weather conditions were generally favourable, and never at any time during the fire season was the hazard very serious.

A total of 558 fires, from all causes, were reported as originating within 300 feet of railway lines in forest sections, subject to the Board's jurisdiction; this is 128 less fires than were reported in 1915. For purposes of classification, fires have been divided into two classes: Class A fires are those which burn over an area less than one-fourth of one acre; class B fires are those which burn over an area of one-fourth of an acre or more. Of the grand total of 558 fires reported, 156 were class A fires, which did no damage. Of class B fires, there were 402, which burned over 16,481 acres, valued at \$39,471; this is 20,782 acres less than the area burned in 1915, and represents a reduction of \$34,785 in the value of property destroyed. Further details are shown in the following table:—

BY RAILWAYS.

	Can- dian Paci- fic (Wes- tern Lines). (a)	Can- dian Nor- thern (Wes- tern Lines). (b)	Grand Trunk Pacifc. (c)	Great Nor- thern. (c)	Kettle Valley.	Edmon- ton, Dun- vegan and British Colum- bia.	Can- dian Paci- fic (Eas- tern Lines). (d)	Can- dian Nor- thern (Eas- tern Lines). (d)	Grand Trunk System.	Algonia Central and Hudson Bay.	Dom- inion At- lantic.	Miscel- laneous. (e)	Totals.
A. RAILWAY FIRES.													
1. Number by Causes—													
(a) Locomotives, Class A fires.....	15	8	7	15	4	15	12	7	8	.....	.....	2	93
Locomotives, Class B fires.....	27	11	5	14	41	34	38	59	13	.....	2	5	250
(b) Employees, Class A fires.....	.....	3	.....	.....	.....	4	1	.....	.....	.....	.....	.....	8
Employees, Class B fires.....	2	4	2	.....	.....	13	7	8	.....	.....	1	.....	37
(c) Total of Class A fires.....	15	11	7	15	4	19	13	7	8	.....	.....	.....	101
Total of Class B fires.....	29	15	7	14	41	47	45	67	13	.....	3	5	287
Total of all railway fires.....	44	26	14	29	45	66	58	74	21	.....	3	7	388
2. Areas Burned (Acres)—													
(a) Young forest growth.....	24	2	2	.....	24	544	277	861	26	.....	1	.....	1,761
(b) Timber land.....	44	.....	.....	.....	25	3,260	129	546	.....	.....	.....	.....	4,004
(c) Slashing or old burn.....	46	100	6	.....	22	381	540	882	164	5	.....	12	2,158
(d) Other classes of land.....	27	20	5	67	432	2,595	109	55	50	.....	.....	2	3,362
(e) Total.....	141	122	13	67	503	6,780	1,055	2,344	240	5	1	14	11,285
3. Value of Property Destroyed—													
(a) Young forest growth.....	\$ 38	\$ 11	\$ 7	.....	\$ 61	\$ 1,633	\$ 326	\$ 719	\$ 41	.....	\$ 5	.....	\$ 2,841
(b) Standing timber.....	3	.....	.....	.....	150	16,298	552	722	.....	.....	.....	.....	17,725
(c) Forest products.....	.....	.....	96	146	.....	.....	.....	18	.....	.....	.....	.....	260
(d) Other property.....	108	96	.....	156	420	150	138	857	5	.....	*12,800	3	14,733
(e) Total.....	\$ 149	\$ 107	\$ 103	\$ 302	\$ 631	\$ 18,081	\$ 1,016	\$ 2,316	\$ 46	.....	\$ 12,805	\$ 3	\$ 35,559
B. KNOWN CAUSES OTHER THAN RAILWAY FIRES.													
1. Number by Causes—													
(a) Campers and travellers, Class A fires.....	.....	2	.....	1	.....	6	2	.....	.....	.....	.....	1	12
Campers and travellers, Class B fires.....	5	4	1	.....	.....	7	2	3	1	.....	.....	.....	24
(b) Settlers, Class A fires.....	.....	9	.....	.....	.....	1	2	.....	.....	.....	.....	.....	12
Settlers, Class B fires.....	7	22	.....	.....	.....	2	2	.....	.....	1	.....	.....	34
(c) Other known causes, Class A fires.....	1	1	1	1	1	2	1	8
Other known causes, Class B fires.....	2	3	1	2	1	9

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(d) Total of Class A fires.....	1	12	1	2	8	6	6	1	2	32
Total of Class B fires.....	14	26	4	9	5	5	1	1	67
Total of all known causes.....	15	38	5	2	17	11	5	1	3	99
2. Areas Burned (Acres)—										
(a) Young forest growth.....	20	.....	.....	.....	200	8	100	.....	10	338
(b) Timber land.....	30	300	5	.....	3	.....	3	.....	.....	341
(c) Slashing or old burn.....	223	810	5	.....	495	3	953	25	.....	2,514
(d) Other classes of land.....	5	278	14	.....	590	5	.....	1	.....	893
(e) Total.....	278	1,388	24	.....	1,288	16	1,056	26	10	4,086
3. Value of Property Destroyed—										
(a) Young forest growth.....	50	.....	.....	.....	\$ 600	8 \$	100	.....	10 \$	768
(b) Standing timber.....	.....	1,500	.....	.....	15	.....	65	.....	.....	1,580
(c) Forests products.....	.....	.....	.....	.....	.....	50	.....	.....	.....	50
(d) Other property.....	320	155	.....	.....	10	.....	.....	.....	150	635
(e) Total.....	370 \$	1,655	.....	.....	\$ 625	58 \$	165	.....	160 \$	3,033
C. FIRES OF UNKNOWN ORIGIN.										
1. Number—										
(a) Total of Class A fires.....	5	3	2	1	.....	5	6	1	.....	23
(b) Total of Class B fires.....	2	7	10	1	.....	17	11	.....	.....	48
(c) Total of all unknown fires.....	7	10	12	2	.....	22	17	1	.....	71
2. Areas Burned (Acres)—										
(a) Young forest growth.....	.....	.....	45	.....	.....	22	42	.....	.....	109
(b) Timber land.....	.....	.....	.....	.....	.....	11	.....	.....	.....	11
(c) Slashing or old burn.....	25	181	61	.....	.....	365	56	.....	.....	688
(d) Other classes of land.....	.....	109	101	.....	.....	77	15	.....	.....	302
(e) Total.....	25	290	207	.....	.....	475	113	.....	.....	1,110
3. Value of Property Destroyed—										
(a) Young forest growth.....	.....	.....	135	.....	.....	25 \$	23	.....	.....	183
(b) Standing timber.....	.....	.....	.....	.....	.....	20	.....	.....	.....	20
(c) Forest products.....	.....	15	150	.....	.....	.....	94	.....	.....	259
(d) Other property.....	.....	.....	.....	.....	.....	10	407	.....	.....	417
(e) Total.....	\$	15 \$	285	.....	.....	55 \$	524	.....	.....	879
D. GRAND TOTALS FOR ALL CAUSES.										
1. Number—										
(a) Total of all Class A fires.....	21	26	10	18	27	24	13	9	4	156
(b) Total of all Class B fires.....	45	48	21	15	56	67	83	14	6	402
(c) Total of all fires reported.....	66	74	31	33	83	91	96	23	10	558

*\$12,800 other property; fire set by railway employees which escaped control and burned private property consisting of buildings and machinery.

SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1916—*Con.*

BY RAILWAYS.

	Canadian Pacific (Western Lines). (a)	Canadian Northern (Western Lines). (b)	Grand Trunk Pacific. (c)	Great Northern. (c)	Kettle Valley.	Edmonton, Dunvegan and British Columbia.	Canadian Pacific (Eastern Lines). (d)	Canadian Northern (Eastern Lines). (d)	Grand Trunk System.	Algoma (Central and Hudson Bay.	Dominion Atlantic.	Miscellaneous. (e)	Totals.
D, GRAND TOTALS FOR ALL CAUSES— <i>Con.</i>													
2. Areas Burned (Acres)—													
(a) Young forest growth.....	44	2	47	.....	24	744	307	1,003	26	.....	1	10	2,208
(b) Timber land.....	74	300	5	.....	25	3,263	140	549	.....	.....	.....	.....	4,356
(c) Slashing or old burn.....	294	1,091	72	.....	22	876	908	1,891	164	30	.....	12	5,360
(d) Other classes of land.....	32	407	120	67	432	3,185	191	70	50	1	.....	2	4,557
(e) Total.....	444	1,800	244	67	503	8,068	1,546	3,513	240	31	1	24	16,481
3. Value of Property Destroyed—													
(a) Young forest growth.....	\$ 88	\$ 11	\$ 142	.....	\$ 61	\$ 2,233	\$ 359	\$ 842	\$ 41	.....	\$ 5	\$ 10	\$ 3,792
(b) Standing timber.....	3	1,500	.....	.....	150	16,313	572	787	.....	.....	.....	.....	19,325
(c) Forest products.....	.....	15	246	146	.....	.....	50	112	.....	.....	.....	.....	569
(d) Other property.....	428	251	.....	156	420	160	148	1,264	5	.....	12,800	153	15,785
(e) Total.....	\$ 519	\$ 1,777	\$ 388	\$ 302	\$ 631	\$ 18,706	\$ 1,129	\$ 3,005	\$ 46	.....	\$ 12,805	\$ 163	\$ 39,471

(a) Includes Esquimalt and Nanaimo Railway.
(b) Canadian Northern Pacific not included account not yet subject to Board's jurisdiction.
(c) Includes Victoria and Sydney.
(d) Includes Halifax and South Western.
(e) Includes following lines: Boston and Maine, Cumberland Railway and Coal Company, Elgin and Havelock, White Pass and Yukon.
NOTE.—No fires were reported during 1916 as originating within 300 feet of track along the following lines: Algoma Eastern, Maine Central, Moncton and Bouché, Ottawa and New York, Quebec, Montreal and Southern, Quebec Oriental, Atlantic, Quebec and Western, St. Martins, Temiscouata, Western Canada Power.
Class A fires are those which cover an area of less than one-fourth acre.
Class B fires are those which cover an area of one-fourth acre or more.

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The following table shows, for the past five years, the number of fires reported as having originated within 300 feet of the track in forest sections, on lines subject to the Board, the areas burned over, and the estimate of damage done. It should be noted that these include fires due to all causes, of which railways form only a part. The statistics for 1912 cover only the West, the work of this department not then having been organized in the East. The figures for 1913 are only partially complete as to the East, the work not yet being fully organized, especially in Ontario. Previous to 1916, the information available as to incipient fires is very incomplete.

Year.	Number of Fires All Causes.	Areas Burned over (Acres).	Value of Property Destroyed.
1912..	200	25,148	\$ 88,480
1913..	732	21,528	40,778
1914..	1,346	191,770	433,442
1915..	686	37,263	74,256
1916..	558	16,481	39,471
Totals for 5 years.. . . .	3,522	292,196	\$676,427

The following table shows percentage comparisons of the statistics contained in the foregoing tables for the past three years:—

Year.	Number of Fires, All Causes.		Areas Burned over		Value of Property destroyed.	
	No.	Per cent decrease.	Acres.	Per cent decrease.	Amount	Per cent decrease.
1914..	1,346	....	191,770	....	\$433,442	
1915..	686	49.0	37,263	80.6	74,256	83.0
1916..	558	58.5	16,481	91.4	39,471	91.0

During the past year, 388 fires were reported as being directly attributable to railway causes; this represents 69.53 per cent of the total of all fires reported. Of these, 101 were class A or incipient fires, which did no damage; while 287 were class B fires, which burned over 11,285 acres, valued at \$35,559. Of the total of 388 fires, attributed to railway agencies, sparks from smokestacks and fire from ashpans of locomotives started 93 class A fires and 250 class B fires. Railway employees caused 8 class A fires and 37 class B fires.

Campers, travellers, settlers, and other known causes contributed 32 class A fires and 67 class B fires, a total of 99 fires, or 17.7 per cent of the total of all fires reported. The 67 class B fires burned over 4,086 acres, valued at \$3,033.

Fires of unknown origin are credited with 23 class A fires and 48 class B fires, a total of 71, or 12.7 per cent of the total of all fires reported. The 48 class B fires burned over 1,110 acres, valued at \$879.

The following statement shows percentage of areas burned, and value of property destroyed by the various causes responsible for the setting of fire, during 1916:—

Cause.	Area in Acres.	Per cent of Total area Burned.	Value.	Per cent of Total Value of Property Destroyed.
Railways..	11,285	68.45	\$35,559	90.1
Known causes other than rail- ways..	4,086	24.80	3,033	7.7
Unknown causes..	1,110	6.75	879	2.2
Totals..	16,481	100.00	\$39,471	100.0

The following summary shows cause, class, number, and percentage of fires reported during 1916 as having originated in forest sections, within 300 feet of track on railway lines subject to the Board:—

Cause.	Class of Fires.	Total		Total Per cent.
		No. of Fires.	Class A and B Fires.	
A. <i>Railway Fires</i> —				
Locomotives..	A	93		16.66
	B	250	343	44.80
Employees..	A	8		1.44
	B	37	45	6.63
Total Railway Fires. . .	A	101		18.10
	B	287	388	51.43

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Cause.	Class of Fires.	No. of Fires.	Total Class A and B Fires.	Per cent.	Total Per cent.
<i>A. Railway Fires—</i>					
<i>B. Known causes other than Railways—</i>					
Campers and travellers.	A	12	....	2.15	
	B	24	36	4.30	6.45
Settlers.	A	12	....	2.15	
	B	34	46	6.10	8.25
Other known causes.	A	8	....	1.44	
	B	9	17	1.61	3.05
Totals.	A	32	....	5.74	
	B	67	99	12.01	17.75
<i>C. Unknown causes.</i>					
	A	23	....	4.12	
	B	48	71	8.60	12.72

The following table shows relative percentages of decrease and increase, in number of fires according to causes, for 1915 and 1916:—

Cause.	1915.		1916.		Decrease, Increase,	
	No.	Per cent.	No.	Per cent.	Per cent.	Per cent.
Locomotives.	232	33.9	343	61.5	....	27.6
Railway employees.	65	9.5	45	8.1	1.4	
Campers and travellers.	78	11.4	36	6.5	4.9	
Settlers.	86	12.5	46	8.2	4.3	
Other known causes.	27	3.9	17	3.0	.9	
Unknown.	198	28.8	71	12.7	16.1	
Totals.	686	100.0	558	100.0	18.7	27.6

It will be noted that while there has been a general decrease in the number of fires due to causes other than railways and to unknown causes, the number of fires set by railway causes in 1916 was 27.6 per cent greater than in 1915. Allowance should, however, be made for the inclusion in the 1916 statistics of 101 class A or incipient fires, this class being only partially reported in 1915.

The importance of clearing rights of way of inflammable débris, thus reducing the fire hazard, is well illustrated by the reduction in the number and size of fires reported along those portions of railway rights of way where such work had been carried out. If this work, which the railways are required to perform under section 297 of the Railway Act, is to be made fully effective, some provision should be made by the respective Dominion and Provincial agencies for the disposal of inflammable débris immediately adjacent to railway rights of way. As a rule, this is in the form of slash resulting from logging operations, settlers clearing land, or the construction of colonization wagon roads.

RIGHT OF WAY CLEARING.

Taking into consideration the disturbed condition of the financial and labour markets, most of the railway companies have made a fairly satisfactory showing, and great credit is due them.

During the past year further progress was made by the Grand Trunk Railway in co-operation with the Department of Lands, Forests, and Mines of Ontario, in cleaning up the inflammable débris on the right of way through Algonquin park, and an additional narrow strip immediately adjacent thereto, notwithstanding that some difficulty was experienced in obtaining necessary labour. Very satisfactory progress was also made in cleaning up accumulations of inflammable débris on the rights of way of the Moncton and Buctouche, Salisbury and Albert, Quebec Oriental, Atlantic, Quebec and Western, and Grand Trunk Pacific Railways.

Right-of-way clearing operations were started on the Kettle Valley, Elgin and Havelock, Saint Martins and Halifax and South Western railways, but relatively little progress was made, mostly on account of shortage of labour.

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In Ontario, a start was also made along the line of the recently constructed Canadian Northern railway. Difficulty was experienced, however, in securing labour, and only a small percentage of the work to be done was carried out.

COMPLAINTS RE RIGHT OF WAY.

Aside from reports submitted by the Board's inspectors, only two specific complaints were received during the year, as to right of way conditions. These were as follows:—

Complaint against Grand Trunk and Canadian Pacific Railway Companies *re* noxious weeds growing on rights of way in Durham county, Ontario.

Complaint against Canadian Pacific Railway *re* noxious weeds growing on right of way of the Smiths Falls subdivision, Ontario.

FIRE PROTECTIVE APPLIANCES ON LOCOMOTIVES.

During the past fire season extending from April 1 to November 1, officers of the Fire Inspection Department inspected the fire protective appliances on 1,389 locomotives operating through forested territory; of this number, 14.3 per cent were found defective.

Eight inspectors of this department were instructed in this work during 1916, in addition to those instructed during previous years.

LOCOMOTIVE FUEL.

There has been no change in the oil fuel situation since last report.

Nine samples of coal were taken and submitted to the Fire Inspection Department, of which 4 samples were submitted to the Fuel-Testing Branch of the Department of Mines for analysis.

FIRE-GUARD REQUIREMENTS.

The fire-guard requirements for 1916 were identical with those prescribed for 1915, and were issued to the Canadian Pacific, Canadian Northern, Grand Trunk Pacific, Great Northern, and Edmonton, Dunvegan and British Columbia Railways.

FIRE-GUARD STATISTICS.

During the past year there were 13,929.39 miles of track subject to the Board's jurisdiction in the three Prairie Provinces. This represents an increase of 485.63 miles over 1915. Since fire-guards are required to be constructed on both sides of the track, the total to be accounted for is equivalent to double this figure, or 27,858.78 fire-guard miles.

Great difficulty was experienced by the railway companies in securing the necessary labour for the construction of fire-guards, due to the labour shortage occasioned by the war. However, the following statistical summary shows that 11,398.60 miles of fire-guards were constructed or maintained during the past year, while 16,460.18 miles were not constructed. Of this, 7,588.94 miles were exempted by this department, and 6,339.30 miles were not constructed for the several specific reasons indicated in the table and accepted as relieving the railway companies of responsibility for the construction of fire-guards. This leaves 2,531.94 miles not definitely accounted for, upon much of which fire-guards should presumably have been constructed under our requirements.

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SUMMARY of Fire-Guard Construction and Maintenance by Railways in the Provinces of Alberta, Saskatchewan, and Manitoba, 1916.

	Edmonton Dunvegan and British Columbia. ‡	Great Northern.	Grand Trunk Pacific.	Canadian Northern.	Canadian Pacific.	Totals.
Length in track miles.....	130·00	162·38	2,052·00	5,210·21	6,374·80	13,929·39
Length in fire-guard miles ¹	260·00	324·76	4,104·00	10,420·42	12,749·60	27,858·78
Fire-guards constructed (shown in fire-guard miles)—						
a Grain stubble lands } Fireguarded	8·23	86·75	132·00	960·50	2,426·22	3,613·70
b Cultivated hay lands } by owner.	0·68	171·00	0·60	170·90	106·43	449·61
c Fenced grazing lands.....	14·10	19·00	361·90	398·60	1,833·58	2,627·18
d Wild lands.....	12·31	0·50	1,008·40	1,350·55	2,336·35	4,708·11
Total miles of fire guards constructed	35·32	277·25	1,502·90	2,880·55	6·702·58	11,398·60
Fireguards not constructed (shown in fire guard miles)—						
Exemptions ²	210·34	36·00	1,303·30	3,535·47	2,503·83	7,588·94
Owner refuses to allow construction ³		1·75	3·80	42·10	18·32	65·97
Unnecessary: land already plowed ⁴	6·88	2·00	415·50	770·60	1,199·55	2,394·53
a Grain stubble lands { Not fire-	3·62		741·10	1,464·40	1,212·70	3,421·82
b Cultivated hay lands { guarded by			14·10	313·50	129·38	456·98
Miscellaneous other reasons.....	3·84	7·76	123·30	1,413·80	983·24	2,531·94
Total miles of fire guards not constructed	224·68	47·51	2,601·10	7,539·87	6,047·02	16,460·18

¹ Fireguard mileage is double the track mileage, since the construction of fire guards is required on both sides of the track.

² Company exempted from fireguard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

³ Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fire guards.

⁴ Fireguarding unnecessary, because fields already ploughed.

⁵ Fireguarding in grain stubble and in cultivated hay lands required only where the land owner or occupant would undertake to plough guard at the reasonable price specified by the Board.

‡ Under construction.

COMPLAINTS RE FIRE-GUARDS.

Only three specific complaints *re* failure to construct fire-guards were received during 1916, as follows:—

Failure to plough or maintain guards (G.T.P. Ry.)... ..	1
Fire-guards not established in accordance with fire-guard requirements (C.P.R.)... ..	1
Damage to hay crop by burning (C.P.R.)... ..	1
Fences cut and destroyed when ploughing fire-guards (C.P.R.).	1
Report by railway company that owner refuses to permit ploughing of guards (G.T.P. Ry.)... ..	1

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APPENDIX "E."

RECORD ROOM.

LIST of Cases appealed to the Supreme Court of Canada, February 1, 1904, to
March 31, 1917.

File No.	Subject.	Decision.
1114	Montreal Terminal Railway vs. Montreal Street Railway. Pius IX Avenue Crossing, Montreal, Que. Question of jurisdiction.....	Allowed.
1492	James Bay Railway vs. Grand Trunk Railway Crossing, Belt Line Spur. Question of law.....	Dismissed.
383	Ottawa Electric Railway and City of Ottawa vs. Canada Atlantic Railway, <i>re</i> Bank Street Subway, Ottawa. Question of law...	Dismissed.
598	<i>Re</i> Toronto Union Station. A. R. Williams expropriation. Question of jurisdiction.....	Dismissed.
1604 C. 1309	Robinson vs. Grand Trunk Railway, two cents rate. Question of law.....	Dismissed.
689	Canadian Pacific Railway vs. Grand Trunk Railway, <i>re</i> branch line, London, Ont. Question of jurisdiction.....	Dismissed.
C. 1680	Essex Terminal and Windsor, Essex and Lake Shore Railroad, crossing in Township of Sandwich, Ont. Question of law.....	Dismissed.
1497	T. D. Robinson vs. Canadian Northern Railway spur at Winnipeg. Question of jurisdiction.....	Dismissed.
9527	Montreal Street Railway <i>re</i> rates Mount Royal Ward. Question of jurisdiction.....	Allowed.
C. 4719	Department of Agriculture, Province of Ontario, vs. Grand Trunk Railway, station at Vineland. Question of jurisdiction.....	Dismissed.
C. 3322	<i>Re</i> Toronto Viaduct. Appeal by the Canadian Pacific Railway Company. Question of law.....	Dismissed.
C. 4897	<i>Re</i> fencing and cattleguards. Order No. 7473. Appeal by the Canadian Northern Railway Co. Question of jurisdiction.....	Allowed in part.
C. 4492	City of Toronto vs. Grand Trunk and Canadian Pacific Railway Companies. Question of law.....	Referred back to Board.
C. 2545	City of Ottawa and County of Carleton, <i>re</i> Richmond Road Viaduct. Question of jurisdiction.....	Dismissed.
13079	Grand Trunk Railway vs. Canadian Northern Ontario Railway. Spur in Township of Scarboro. Question of jurisdiction.....	Dismissed.
C. 3269	Grand Trunk Railway vs. British American Oil Companies. Oil rates. Question of law.....	Dismissed.
1519	Grand Trunk Pacific Railway vs. City of Fort William. <i>Re</i> location. Question of jurisdiction.....	Dismissed.
11965	Niagara, St. Catharines and Toronto Railway vs. Davy. Question of jurisdiction.....	Allowed.
9527	Montreal Street Railway (Montreal, Park and Island Railway) <i>re</i> rates, Mount Royal Ward. Question of jurisdiction.....	Allowed.

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LIST of Cases appealed to the Supreme Court of Canada, February 1, 1904, to
March 31, 1917—*Concluded*.

File No.	Subject.	Decision.
C. 15580	Clover Bar Coal Company, Limited, and Wm. Humberstone vs. Grand Trunk Pacific Railway Company and the Clover Bar Sand and Gravel Company.....	Allowed.
12682	Regina Rates Case.....	Dismissed.
17963	Grand Trunk Pacific Railway vs. A. E. Purcell of Saskatoon, Sask.	Dismissed.
C. 3269	Canadian Pacific Railway Company vs. British American Oil Companies. Question of jurisdiction.....	Dismissed.
15330 15330-1	Grand Trunk and Canadian Pacific Railway Companies vs. Canadian Oil Company. Question of jurisdiction.....	Dismissed.
20062	British Columbia Electric Railway Co., Vancouver, Victoria and Eastern Ry. Co. vs. City of Vancouver. Question of jurisdiction.....	Dismissed.
1487	H. B. Chambers and W. B. G. Phair vs. Canadian Pacific Railway Company. Question of jurisdiction.....	Allowed.
18578	Canadian Northern Railway Company vs. William A. Taylor. Question of jurisdiction.....	Dismissed.
19435	Grand Trunk Pacific Railway vs. City of Edmonton. Question of law.....	Dismissed.
1750-34	Canadian Pacific Railway Company vs. Grand Trunk Company. Appeal by C.P.R. Question of law.....	Dismissed.
14329-9	Montreal Tramway and Montreal, Park and Island Railway vs. Lachine, Jacques Cartier and Maisonneuve Railway. Question of jurisdiction.....	Allowed.
23009	City of Hamilton vs. Toronto, Hamilton and Buffalo Railway. Appeal by T.H. & B. Ry. Question of jurisdiction.....	Allowed.
21428	Grand Trunk Railway vs. Hepworth Silica Pressed Brick Co. Question of law.....	Dismissed.
12021-70	Toronto Railway Company and the City of Toronto and the Canadian Pacific Railway. Questions of law and jurisdiction.....	Dismissed.
C. 3935	City of Edmonton vs. Calgary and Edmonton Railway. Question of law.....	Dismissed.
16171	Ingersoll Telephone Company (and other Independent Telephone Companies) vs. Bell Telephone Company. Question of law....	Dismissed.

SUMMARY.

Appeals dismissed.....	25
Appeals allowed.....	10
Appeals heard.....	35

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List of Appeals to the Governor in Council from February 1, 1904, to March 31, 1917.

File No.	Subject.	Decision.
399	Bay of Quinte Railway crossing C.P.R. at Tweed, Ont.....	Dismissed.
1455	James Bay Railway vs. Grand Trunk Railway crossing near Beaverton.....	Dismissed.
1781	Grand Trunk Railway Company vs. City of Chatham, Ont. Street Crossings.....	Dismissed.
12992	Maniwaki Branch of the Canadian Pacific Railway, train service from Ottawa.....	Judgment not rendered. Matter referred back to Board.
2030	Re Tariffs of certain Yukon Railway.....	Dismissed.
17716	Canadian Pacific Railway Longue Pointe spur through Town of Maisonneuve, Que.....	Dismissed.
18787	South Hazelton Townsite vs. Grand Trunk Pacific Railway.....	Allowed.
3452-30	J. Y. Rochester re Cameron Bay vs. Grand Trunk Pacific Railway	Dismissed.
12912	Park Avenue Subway, Town of St. Louis, Que., vs. Canadian Pacific Railway.....	Dismissed.
17040	Lambton to Weston Spur and Canadian Pacific Railway.....	No formal order made.
C. 3322	Toronto Viaduct Case.....	Dismissed.
12021-70	City of Toronto, re North Toronto Grade Separation.....	Dismissed.
16177	Canadian Pacific Railway vs. Mountain Lumber Manufacturers Association, re lumber rates.....	Withdrawn.
19024	Charles Miller of Toronto vs. Grand Trunk Pacific Railway, re station at Prince George, B.C.....	Dismissed.
17716-10	Canadian Pacific Railway vs. Town of Maisonneuve, Que., re Highway Crossings.....	Dismissed.
22681-25	City of Montreal vs. Canadian Northern Railway, siding across Stadacona and Marlboro Streets, Montreal, Que.....	Pending.
21418	City of Prince George, B.C., re location of Grand Trunk Pacific Railway station between Oak and Ash Streets, Prince George, B.C.....	Dismissed.
21660	Canadian Northern Ontario Railway vs. the Township of Loughboro, Ont.....	Dismissed.
26169	Canadian Pacific Railway and Canadian Northern Railway Companies, re interswitching at Eastern Public Cattle Market, Montreal, Que.....	Pending.
17040	Appeal of the Canadian Pacific Railway Company re Lambton to Weston Spur (2nd appeal).....	Dismissed.

SUMMARY.

Number of appeals dismissed.....	14
Number of appeals allowed.....	1
Number of appeals withdrawn.....	3
Number of appeals pending.....	2
Total number of appeals.....	20

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APPENDIX "F."

GENERAL ORDERS AND CIRCULARS.

OTTAWA, January 29, 1917.

CIRCULAR No. 150.

File No. 20847—Protection to workmen while engaged under or about cars on regular repair tracks.

It is the opinion of the Board that in addition to the blue flag by day and the blue light by night, displayed as required by rule 26 of the general train and interlocking rules, further protection should be adopted by having all switches leading to regular repair tracks locked with special locks and the keys carried by the foreman in charge of the car-repair work, or other responsible party, whose duty it should be to see that employees are warned and are clear from cars before any switching movement is made on such track, and to see that switches are re-locked after switching movement is completed.

Railway companies will please acknowledge receipt.

By order of the Board,

A. D. CARTWRIGHT,
Secretary.

GENERAL ORDER No. 170.

In the matter of the General Order of the Board No. 148, dated September 1, 1915, authorizing all railway companies within the legislative control of the Parliament of Canada and operating in the provinces of Alberta and Saskatchewan, to endorse upon the bills of lading, approved under Order No. 7562, dated July 15, 1909, the amount of advances for seed grain, fodder for animals and other goods furnished to persons in the said provinces, and the interest agreed to be paid, authorized by chapter 20 of the Acts, 1915, and as provided under Order in Council of July 23, 1915.

Upon the report of the Governor in Council by Order in Council dated July 31, 1916, terminating on the 1st September, 1916, the arrangement whereby the railway companies endorse indebtedness on bills of lading,—

It is ordered: That the said General Order No 148, dated September 1, 1915, be, and it is hereby, rescinded on and after the 1st day of September, 1916.

D'ARCY SCOTT, -
Assistant Chief Commissioner.

OTTAWA, August 5, 1916.

GENERAL ORDER No. 171.

In the matter of the question of hand rails and small foot rests on the outside of cabs of locomotives; and a railing on the tender to prevent men from slipping off when they are passing over the tender or when the locomotive is taking coal or water.

File No. 22223.

Upon hearing the matter at the sittings of the Board held in Ottawa, May 4, 1915, in the presence of representatives of the Brotherhood of Locomotive Engineers,

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the Brotherhood of Firemen and Enginemen, the Grand Trunk, Canadian Pacific, and Canadian Northern Railway Companies, and the New York Central & Rutland and the Michigan Central Railroad Companies, and what was alleged, and reading the replies of the railway companies interested to supplement No. 1 to Circular of the Board No. 142, dated July 6, 1915, and the report and recommendation of the Chief Operating Officer of the Board,—

It is Ordered:

1. That the railway companies subject to the jurisdiction of the Board be, and they are hereby, directed to equip all locomotives of 100,000 pounds or over with hand-rails on the sides of cabs above the windows, near the top of the cab, and running the entire length of the same; the rails to have a clearance of two inches between the inner side of the rail and the outside wall of the cab, and to be securely fastened at each end, with a support in the centre; and that, where the running boards do not project beyond the side of the cab, an additional piece be added, to project not less than one inch from the side of the cab and running the full length of same.

2. That the tender of all locomotives be equipped with a railing on both sides, on the top of the coping; such railing, if made of round bar iron, or of iron pipe, to be not less than one inch in diameter, supported by three columns, one at each end and one in the centre, standing eight inches from the top of the coping; the said rails to run the full length of the fuel storage well, or clear of the back coal wall, on the tender; that on the spaces back of the coal wall, where the water man-hole is located, the coping or railing project eight inches above the top of the tank and run around both sides and back of the tank not less than eight inches high, supported by columns to make it secure.

3. That plans showing the proposed foot rests and the railing on tenders be filed for the approval of the Board.

4. That the said railway companies be, and they are hereby, permitted to operate locomotives used in international traffic, and merely passing through Canadian territory, equipped in accordance with the regulations of the Interstate Commerce Commission.

5. That this permission shall not extend to locomotives operated from or entirely within Canadian territory.

D'ARCY SCOTT,
Assistant Chief Commissioner.

OTTAWA, August 1, 1916.

GENERAL ORDER No. 173.

(CORRECTED).

In the matter of the tariffs of the railway companies showing charges for the use of heated refrigerator cars; and the orders of the Boards Nos. 24680 and 24994, dated January 27, and May 22, 1916, respectively, suspending the said tariffs; also the order of the Board No. 25251, dated August 5, 1916, rescinding the said order No. 24994 in so far as it effected the tariffs for local movements between points west of lake Superior, subject to the provisions therein contained:

File No. 18855-11.

Upon hearing the matter at the sittings of the Board held in Ottawa, Toronto, Winnipeg, Saskatoon, Edmonton, Calgary, Regina, and Winnipeg on the 8th February, 22nd February, 12th June, 14th June, 15th June, 10th July, 13th July, and 14th July, 1916, respectively, in the presence of representatives of the Boards of Trade of Montreal, Toronto, Hamilton, Winnipeg, and Saskatoon, the Calgary Brewing

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Company, the Canadian Manufacturers' Association, the Ontario Fruit Growers' Association, the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railway Companies and the Michigan Central and New York Central Railroad Companies, and what was alleged at the hearings; and upon the reading of what has been filed, and the report of the Chief Traffic Officer of the Board.

It is Ordered:

(1) That the order of the Board No. 24680, dated January 27, 1916, in so far as it affects local movements between points east of and including Westfort, Ont., be, and it is hereby, rescinded provided: (a) that the clause in the tariffs thereby suspended restricting the number of destinations of less-than-carload shipments be omitted; and (b) that the clause requiring loading in cars in destination order by shippers be revised so as to apply to shipments handled through the carriers' freight warehouse also

(2) That the orders of the Board Nos. 24680 and 24994, dated January 27 and May 22, 1916, respectively, in so far as they affect through shipments from and to points east of Port Arthur to and from points west of Westfort, be, and they are hereby, rescinded: Provided that the following subdivision of the territory west of Westfort, and the following maximum tolls for heat in addition to the freight rates from or to the territory west of and including Montreal and Lachute, be substituted for those shown in the tariffs thereby suspended, and that the differences over these maximum tolls do not exceed from or to the territory south and east of Montreal and Lachute the differences expressed in the said suspended tariffs.

		Toll per car.
Group 1.	West of Westfort to and including Kenora and Rainy River.	\$10
" 2.	West of Group 1 to and including Winnipeg and Emerson..	11
" 3.	Remainder of Manitoba..	13
" 4.	West of Group 3 to and including Viceroy, Moosejaw, Saskatoon, and Prince Albert..	15
" 5.	Province of Saskatchewan west of Group 4..	16
" 6.	West of Group 5 to and including the Canadian Pacific Railway Company's Macleod-Calgary-Edmonton Line..	18
" 7.	North of Edmonton and west of Group 6 to Penticton, Kamloops, and Prince George..	22
" 8.	West of Group 7 to Vancouver and Prince Rupert..	25

(3) That the general order of the Board No. 152, dated November 2, 1915, authorizing certain tolls for the use of refrigerator cars for the carriage of vegetables in carloads, be, and it is hereby, rescinded.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, October 26, 1916.

GENERAL ORDER No. 174.

In the matter of the application of the Canadian Pacific, Grand Trunk, and Toronto, Hamilton and Buffalo Railway Companies and the Michigan Central Railroad Company, on behalf of themselves and other railway companies in Canada subject to the jurisdiction of the Board, for an order amending General Order No. 1, known as "The Canadian Car Service Rules," so as to provide that the demurrage charge for each twenty-four hours, as provided in Rule No. 1, be increased from \$1 to \$4; and also that the additional free time beyond forty-eight hours, authorized by exception (a) to rule 2, be cancelled.

File No. 1700.140.

Upon hearing the application at the sittings of the Board held in Toronto, December 12, 1916, the Canadian Pacific, Grand Trunk, Hamilton and Buffalo, and the Canadian Northern Railway Companies, the Michigan Central Railroad Com-

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pany, the Canadian Manufacturers' Association, the Canadian Freight Association, the Boards of Trade of Toronto, Montreal, Brantford, and Hamilton, the city of Toronto, the Canadian Lumbermen's Association, the Canadian Pulp and Paper Association, the New Brunswick Potato Exchange, the Department of Public Works for the province of Ontario, the Retail Coal Dealers' Association, the Retail Association (Coal Section), the Stone Supply Section, the International Harvester Company, the Massey-Harris Company, Limited, the Ontario Hay Shippers' Association, the Imperial Oil Company, the Steel Company of Canada, the Anglo-Canadian Leather Company, the Ontario Lime Company, J. B. Smith & Sons, Limited, and the Dominion Millers' Association being represented at the hearing, and what was alleged; and upon reading the further written submissions filed, and the report of the Chief Traffic Officer of the Board,—

It is ordered: That the said General Order No. 1, known as "The Canadian Car Service Rules," be, and it is hereby amended as follows, namely:—

Rules 1, 2, 6 and 15 of the Canadian Car Service Rules are suspended in their entirety from January 1, 1917, to April 30, 1917, both inclusive, and the following Rules, bearing the same numbers, are hereby substituted. Rule 11 is also suspended for the same period:—

Rule 1.—When cars are held under load, or awaiting loads, beyond the free time allowed by Rule 2, for any reason for which the consignee or shipper is responsible, the following tolls for each day of twenty-four hours, or any part thereof, shall be charged to and paid by the shipper, consignee, or other party responsible therefor, in addition to all other tolls paid or payable in respect of the goods carried, or to be carried, in or on each such car, namely:—

For the first day.....	One dollar.
For the second day.....	One dollar.
For the third day.....	Three dollars.
For the fourth and each succeeding day.....	Five dollars.

Rule 2.—(a) After notice of arrival of a car at its destination, or in the outside break-up or sorting yard if such be used for the purpose, all consignees shall be allowed twenty-four hours within which to pay the tolls or charges (if any), to give order for special placing or delivery if such orders be necessary, and for customs entry of freight in bond. If more than twenty-four hours be used for these purposes the excess time shall be deducted from the succeeding unloading period, except as provided in rule 15.

(b) Forty-eight hours free time shall be allowed for loading or unloading all commodities, computed from seven a.m. of the day following the day on which actual or constructive (see rule 13) placement has been effected: Provided that any portion of such placement day may be utilized by the shipper or consignee, in addition to the said forty-eight hours, without charge.

Exceptions.—(a) Five days free time shall be allowed at Montreal and at tide-water ports for unloading lumber and hay for export.

(b) In the portion of Canada in which the Canada Grain Act prescribes a specified time for loading grain, the said Act shall apply.

(c) If the destination is not a port of entry, forty-eight hours shall be allowed for clearance of customs at the outside port of entry.

Rule 6.—If wet or inclement weather, according to local conditions, renders loading or unloading impracticable during business hours, or exposes the goods to damage, the time allowance shall be extended so as to give the full free time of suitable weather. But if the parties neglect or fail to avail themselves of the herein authorized free time of suitable weather, they shall not be allowed additional free time by reason of such neglect.

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GENERAL ORDER No. 178.

In the matter of the Rules and Instructions for the Inspection and Testing of Locomotive Boilers and their Appurtenances, as set out in General Order No. 78, dated the 14th day of July, 1911, and Circular No. 140, dated the 22nd day of January, 1915; and

In the matter of the application of the Canadian Pacific Railway Company for an extension of time for the external inspection of locomotive boilers.

File No. 16513.

Upon reading what is filed in support of the application, and the report of the Chief Operating Officer of the Board; and its appearing desirable to consolidate the supplemental regulations in the above-mentioned matter issued since the issue of the said General Order No. 78,—

It is ordered: That, in the case of locomotives which are out of service in good condition for one or more full months, the time for making the following inspections and tests, namely,—(a) removal of flues and interior inspection of boiler, (b) removal of lagging and exterior inspection of boiler, (c) hydrostatic test, and (d) removal of caps and inspection of flexible staybolts, as provided by paragraphs 5, 11, 12, and 18 of General Order No. 78, may be extended by the railway companies, without making application therefor, for a number of months equivalent to the number of continuous months during which any such locomotive shall be out of service; provided that such inspections and tests shall in no case be performed less frequently than as hereinafter set forth:—

(a) Removal of flues and inspection of interior of boiler once at least in every forty-eight consecutive months.

(b) Removal of jacket and lagging and inspection of exterior of boiler once at least in every sixty-nine consecutive months.

(c) Hydrostatic tests once at least in every twenty-four consecutive months.

(d) Removal of caps and inspection of flexible stay-bolts once at least in every thirty consecutive months.

And it is further ordered: That the time during which any such locomotive is out of service be properly covered by “out of service” reports and a notation made on the back of inspection reports and cab cards showing the months out of service on account of which time has been extended.

And it is further ordered: That no extension of time be permitted for any period less than a full month.

And it is further ordered: That if a locomotive be out of service when any of the above inspections and tests become due, such inspection and test need not be performed until just prior to the time when such locomotive shall be returned to service.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, January 23, 1917.

SESSIONAL PAPER No. 20c

GENERAL ORDER No. 180.

In the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the jurisdiction of the Board, for approval of revised Supplement No. 10 to the Express Classification for Canada, C.R.C. No. 3 (first submitted as No. 8); also including therein Supplement No. 11 (first submitted as No. 10), omitting the proposed conditions of carriage relating to Carload Wagon Service and pick-up and Delivery Service, and Supplement No. 12 (first submitted as No. 11), omitting the items relating to cigars, cigarettes, and tobacco.

Files Nos. 4397.25, 4397.29 and 4397.30.

Upon its appearing that objections to certain of the proposed changes in rules and ratings were, by consent of the parties represented at the hearings in Winnipeg, June 12, 1916, Saskatoon, June 14, 1916, and Edmonton, June 15, 1916, left to be settled between the interested parties in Eastern Canada, and those affected by the proposed changes, as they now appear in the said revised Supplement No. 10, having notified the Board of their consent thereto,—

It is ordered: That the said revised Supplement No. 10 to the Express Classification for Canada C.R.C. No. 3, submitted to the Board by C. N. Ham, secretary of the Express Traffic Association of Canada, with his letter of January 16, 1917, attached hereto and marked "A", be, and the same is hereby, approved.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, January 30, 1917.

GENERAL ORDER No. 182.

In the matter of the movement of bituminous coal from the United States into Canada.

File No. 19323-9.

Upon it being represented to the Board that the movement of bituminous coal from points in the United States to points in Canada is delayed at the frontier for custom clearance, and that such delay can be obviated by said coal being entered for duty at interior ports of entry or outports, and upon reading what has been filed by the Commissioner of Customs stating that no objection exists to such obviation, although the coal may be billed for customs clearance at the frontier,—

It is ordered: That railway companies within the legislative authority of the Parliament of Canada be, and they are hereby, permitted to forward bituminous coal from the United States, billed for clearance of customs at the frontier, to its destination in Canada if the destination be a customs port or outport, and if not, then to the customs port or outport nearest to but short of its destination, for customs clearance thereat, instead of at the frontier, the carriage from the frontier to the interior point of clearance to be in bond under customs manifest prepared by the railway company and signed by a customs officer.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, February 16, 1917.

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GENERAL ORDER No. 183.

In the matter of the General Order of the Board No. 14 (Order No. 5117), dated July 30, 1908, and the application of the Express Traffic Association of Canada for an Order providing that the same arrangement be accorded to the express companies.

File No. 8071

Upon reading what is filed by the Express Traffic Association of Canada, on behalf of express companies subject to the jurisdiction of the Board, and the report and recommendation of the Chief Traffic Officer of the Board,—

It is ordered: That the arrangement whereby certain tariffs of freight or passenger tolls may be filed with the Board by agents, other than officials of the companies, acting jointly for two or more railway companies subject to the legislative authority of the Parliament of Canada, provided that the said joint agents be duly authorized to act for the several companies by power of attorney, as set forth in the said General Order No. 14 (Order No. 5117), dated July 30, 1908, be, and it is hereby, extended to express companies subject to the jurisdiction of the Board.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, February 24, 1917.

GENERAL ORDER No. 184.

In the matter of the application of D. D. Campbell, of Winnipeg, Manitoba, for an Order increasing the allowance for grain doors supplied by shippers to \$1.50 for the lower door and 75 cents for the upper part; also, that the bill therefor, when certified to by the railway company's agent, be accepted by him and credited on account of freight charges.

File No. 4106.

Upon hearing the application at the sittings of the Board held in Winnipeg, March 16, 1917, the Northwest Grain Growers' Association and the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railway companies being represented at the hearing, the applicant appearing in person, and what was alleged,—

It is ordered: That the Order of the Board No. 8860, dated December 10, 1909, requiring that where shippers upon all or any railways subject to the jurisdiction of the Parliament of Canada are compelled to furnish car doors to enable cars to be used for traffic, allowance therefor to such shippers be made upon the following basis:—

(a) At and west of Fort William, lower car door, \$1; upper car door, 50 cents.

(b) East of Fort William, upper or lower car door, each, 50 cents,

be, and it is hereby, amended to provide that the said allowance for grain doors be increased from \$1 to \$1.50 for the lower door, and from 50 cents to 75 cents for the upper door, in all \$4.50 a car, the said allowance to be made at and west of Port Arthur, Ont.

D'ARCY SCOTT,
Assistant Chief Commissioner.

OTTAWA, March 22, 1917.

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